



# FEDERAL REGISTER

---

Vol. 86

Wednesday

No. 181

September 22, 2021

Pages 52587–52820

OFFICE OF THE FEDERAL REGISTER



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see [www.federalregister.gov](http://www.federalregister.gov).

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at [www.govinfo.gov](http://www.govinfo.gov), a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 1, 1 (March 14, 1936) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, [gpocusthelp.com](mailto:gpocusthelp.com).

The annual subscription price for the **Federal Register** paper edition is \$860 plus postage, or \$929, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$330, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see [bookstore.gpo.gov](http://bookstore.gpo.gov).

There are no restrictions on the republication of material appearing in the **Federal Register**.

**How To Cite This Publication:** Use the volume number and the page number. Example: 86 FR 12345.

**Postmaster:** Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

## SUBSCRIPTIONS AND COPIES

### PUBLIC

#### Subscriptions:

Paper or fiche	202-512-1800
Assistance with public subscriptions	202-512-1806

**General online information** 202-512-1530; 1-888-293-6498

#### Single copies/back copies:

Paper or fiche	202-512-1800
Assistance with public single copies	1-866-512-1800 (Toll-Free)

### FEDERAL AGENCIES

#### Subscriptions:

Assistance with Federal agency subscriptions:

Email	<a href="mailto:FRSubscriptions@nara.gov">FRSubscriptions@nara.gov</a>
Phone	202-741-6000

The Federal Register Printing Savings Act of 2017 (Pub. L. 115-120) placed restrictions on distribution of official printed copies of the daily **Federal Register** to members of Congress and Federal offices. Under this Act, the Director of the Government Publishing Office may not provide printed copies of the daily **Federal Register** unless a Member or other Federal office requests a specific issue or a subscription to the print edition. For more information on how to subscribe use the following website link: <https://www.gpo.gov/frsubs>.



# Contents

## Federal Register

Vol. 86, No. 181

Wednesday, September 22, 2021

### Agriculture Department

*See* Natural Resources Conservation Service

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52632

### Census Bureau

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
Redistricting Data Program, 52634–52635

### Centers for Disease Control and Prevention

#### NOTICES

Meetings:

- Advisory Board on Radiation and Worker Health, Subcommittee on Procedures Reviews, National Institute for Occupational Safety and Health, 52682–52683
- Advisory Committee on Immunization Practices, 52683–52684
- Advisory Committee on Immunization Practices; Correction, 52684–52685

### Coast Guard

#### PROPOSED RULES

Uniform Certificate of Title Act for Vessels, 52792–52815

### Commerce Department

*See* Census Bureau

*See* International Trade Administration

*See* National Oceanic and Atmospheric Administration

*See* Patent and Trademark Office

### Defense Department

*See* Navy Department

### Education Department

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
Project to Support America's Families and Educators Grant Application, 52659–52660

Applications for New Awards:

- National Center for Information and Technical Support for Postsecondary Students with Disabilities Program, 52654–52659

### Energy Department

*See* Federal Energy Regulatory Commission

#### NOTICES

Meetings:

- Biological and Environmental Research Advisory Committee, 52661
- Environmental Management Site-Specific Advisory Board, Idaho Cleanup Project, 52660–52661

### Environmental Protection Agency

#### PROPOSED RULES

Receipt of Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities (September 2021), 52624–52627

#### NOTICES

Administration of Cross-State Air Pollution Rule Trading Program Assurance Provisions for 2020 Control Periods, 52674–52675

Grant Funding Guidance for State and Tribal Response Programs for Fiscal Year 2022:

Comprehensive Environmental Response, Compensation, and Liability Act or Superfund, 52670–52672

Meetings:

Clean Air Scientific Advisory Committee Particulate Matter Panel, 52673–52674

National Drinking Water Advisory Council, 52672–52673  
Program Requirement Revisions related to the Public Water System Supervision Programs:  
Massachusetts; Rhode Island, 52672

### Federal Aviation Administration

#### RULES

Airspace Designations and Reporting Points:

- East Hampton, NY, 52608–52609
- Eastern United States, 52605–52606
- Mesa Del Rey Airport, CA, 52604–52605
- Oklahoma City, OK, 52603–52604
- South Lake Tahoe, CA, 52606–52608

Airworthiness Directives:

- Gulfstream Aerospace LP Airplanes; Correction, 52599–52600
- Pratt and Whitney Turbofan Engines, 52600–52603

#### PROPOSED RULES

Airspace Designations and Reporting Points:

- Fulton, KY, 52622–52623
- Skaneateles, NY, 52623–52624

### Federal Communications Commission

#### RULES

Assessment and Collection of Regulatory Fees for Fiscal Year 2021, 52742–52789

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52678–52679  
Two New Innovation Zones and Amends One Existing Innovation Zone for Program Experimental Licenses, 52675–52678

### Federal Deposit Insurance Corporation

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52679–52682

### Federal Election Commission

#### NOTICES

Meetings; Sunshine Act, 52682

### Federal Emergency Management Agency

#### NOTICES

Request for Information:

- National Flood Insurance Program's Community Rating System; Extension of Comment Period, 52694

### Federal Energy Regulatory Commission

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52661–52662

**Application:**

Brookfield White Pine Hydro, LLC, 52662–52663  
 PE Hydro Generation, LLC, 52669–52670  
 Puget Sound Energy, Inc., 52663–52664  
 Southern Star Central Gas Pipeline, Inc., 52665–52666  
 Village of Enosburg Falls, Vermont, 52666–52667

**Combined Filings, 52667–52669****Filing:**

EnerSmart Chula Vista BESS, LLC, 52669

**Meetings:**

Building for the Future through Electric Regional  
 Transmission Planning and Cost Allocation and  
 Generator Interconnection; Technical Conference,  
 52664–52665  
 Greenhouse Gas Mitigation: Natural Gas Act Sections 3  
 and 7 Authorizations; Technical Conference, 52664

**Federal Maritime Commission****PROPOSED RULES**

Marine Terminal Operator Schedules, 52627–52631

**NOTICES**

Agreement Filed, 52682

**Federal Motor Carrier Safety Administration****NOTICES**

Parts and Accessories Necessary for Safe Operation;  
 Exemption Applications:  
 Keep Truckin, Inc., 52737–52738  
 Qualification of Drivers; Exemption Applications:  
 Epilepsy and Seizure Disorders, 52735–52737

**Federal Reserve System****NOTICES**

Formations of, Acquisitions by, and Mergers of Bank  
 Holding Companies, 52682

**Food and Drug Administration****NOTICES****Meetings:**

Reauthorization of the Biosimilar User Fee Act, 52685–  
 52689

Withdrawal of Approval of Abbreviated New Drug  
 Application:

B. Braun Medical, Inc.; Hydroxyethyl Starch, 52685

**Foreign Assets Control Office****NOTICES**

Blocking or Unblocking of Persons and Properties, 52739–  
 52740

**Health and Human Services Department**

*See Centers for Disease Control and Prevention*

*See Food and Drug Administration*

*See Health Resources and Services Administration*

*See National Institutes of Health*

**NOTICES**

Opportunity to Become an Office on Women's Health Self-  
 Measured Blood Pressure Program Partner, 52690–  
 52691

**Health Resources and Services Administration****NOTICES**

Agency Information Collection Activities; Proposals,  
 Submissions, and Approvals:  
 Bureau of Primary Health Care—Program Management  
 Resource Compendium, 52689–52690

**Homeland Security Department**

*See Coast Guard*

*See Federal Emergency Management Agency*  
*See U.S. Citizenship and Immigration Services*  
*See U.S. Customs and Border Protection*

**Institute of Museum and Library Services****NOTICES**

Agency Information Collection Activities; Proposals,  
 Submissions, and Approvals:  
 Improving Customer Experience, 52696–52697

**Internal Revenue Service****RULES**

Treatment of Distributions of Property from a Corporation  
 to a Shareholder, 52612–52614

**International Trade Administration****NOTICES**

Healthcare Services Sector Export Market Landscape,  
 52635–52637

**Justice Department****NOTICES**

Proposed Consent Decree under the Clean Water and Oil  
 Pollution Acts:  
 Modification, 52695

**National Council on Disability****NOTICES**

Meetings; Sunshine Act, 52695–52696

**National Foundation on the Arts and the Humanities**

*See Institute of Museum and Library Services*

**National Institutes of Health****NOTICES****Meetings:**

Center for Scientific Review, 52691–52693  
 National Institute on Aging, 52693  
 National Institute on Deafness and Other Communication  
 Disorders, 52693–52694

**National Oceanic and Atmospheric Administration****NOTICES**

2022 Annual Determination to Implement the Sea Turtle  
 Observer Requirement, 52650–52652

Agency Information Collection Activities; Proposals,  
 Submissions, and Approvals:  
 List of Gear by Fisheries and Fishery Management  
 Council, 52637

Questionnaire for National Oceanic and Atmospheric  
 Administration Federal Financial Assistance  
 Applicants, 52642–52643

Submission of Conservation Efforts to Make Listings  
 Unnecessary Under the Endangered Species Act,  
 52643–52644

Weather and Society Survey, and Using Quick Response  
 Surveys to Build a Public Perception and Response  
 Database, 52649–52650

Magnuson-Stevens Act Provisions; Fisheries of the  
 Northeastern United States:

Northeast Multispecies Fishery; Approved Monitoring  
 Service Providers, 52637–52638

**Meetings:**

Fisheries of the South Atlantic; South Atlantic Fishery  
 Management Council, 52641

Pacific Fishery Management Council, 52641–52642

Takes of Marine Mammals Incidental to Specified Activities:  
Elkhorn Slough Tidal Marsh Restoration Project, Phase III in Monterey County, CA, 52644–52649  
Taking and Importing Marine Mammals:  
Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico, 52638–52641

### **Natural Resources Conservation Service**

#### **NOTICES**

Proposed Revisions to Section 1 of the Field Office Technical Guides for Several States, 52632–52634

### **Navy Department**

#### **NOTICES**

National Nuclear Security Administration Pay and Performance System, 52653–52654

### **Nuclear Regulatory Commission**

#### **RULES**

Extending the Duration of the AP1000 Design Certification: Environmental Assessment, 52593–52599

#### **PROPOSED RULES**

Extending the Duration of the AP1000 Design Certification: Environmental Assessment, 52619–52622

#### **NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
NRC Insider Threat Program for Licensees and Others Requiring Access to Classified Information, 52697–52699

### **Patent and Trademark Office**

#### **NOTICES**

Administrative Updates to the General Requirements Bulletin for Admission to the Examination for Registration to Practice in Patent Cases, 52652–52653

### **Postal Regulatory Commission**

#### **NOTICES**

New Postal Product, 52699

### **Postal Service**

#### **NOTICES**

Product Change:  
Priority Mail and First-Class Package Service Negotiated Service Agreement, 52699

### **Presidential Documents**

#### **PROCLAMATIONS**

Special Observances:  
Minority Enterprise Development Week (Proc. 10260), 52587–52588  
National Farm Safety and Health Week (Proc. 10261), 52589–52590

#### **EXECUTIVE ORDERS**

Measles; Addition to List of Quarantinable Communicable Diseases (EO 14047), 52591–52592

#### **ADMINISTRATIVE ORDERS**

Major Drug Transit or Major Illicit Drug Producing Countries for Fiscal Year 2022; Presidential Determination (Presidential Determination No. 2021–13 of September 15, 2021), 52817–52820

### **Securities and Exchange Commission**

#### **NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52704–52705

Meetings; Sunshine Act, 52699–52700

#### **Order:**

Public Company Accounting Oversight Board Supplemental Budget for Calendar Year 2021; Approval, 52712–52713

Self-Regulatory Organizations; Proposed Rule Changes:

Investors Exchange, LLC, 52713–52719  
Miami International Securities Exchange, LLC, 52709–52712

MIAX Emerald, LLC, 52731–52735

MIAX PEARL, LLC, 52704–52709

Nasdaq ISE, LLC, 52700–52702

Nasdaq PHLX, LLC, 52702–52704

New York Stock Exchange, LLC, 52719–52731

### **State Department**

#### **NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
Electronic Choice of Address and Agent, 52735

### **Transportation Department**

*See* Federal Aviation Administration

*See* Federal Motor Carrier Safety Administration

*See* Transportation Statistics Bureau

### **Transportation Statistics Bureau**

#### **NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
Report of Financial and Operating Statistics for Small Aircraft Operators, 52738–52739

### **Treasury Department**

*See* Foreign Assets Control Office

*See* Internal Revenue Service

### **U.S. Citizenship and Immigration Services**

#### **NOTICES**

Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal:  
Correction, 52694–52695

### **U.S. Customs and Border Protection**

#### **RULES**

Temporary Travel Restrictions:

Land Ports of Entry and Ferries Service between the United States and Canada, 52609–52610

Land Ports of Entry and Ferries Service between the United States and Mexico, 52611–52612

### **Veterans Affairs Department**

#### **RULES**

Extension of Program of Comprehensive Assistance for Family Caregivers Eligibility for Legacy Participants and Legacy Applicants, 52614–52618

### **Separate Parts In This Issue**

#### **Part II**

Federal Communications Commission, 52742–52789

#### **Part III**

Homeland Security Department, Coast Guard, 52792–52815

**Part IV**Presidential Documents, 52817–52820

---

**Reader Aids**

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

---

**CFR PARTS AFFECTED IN THIS ISSUE**

---

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

**3 CFR****Proclamations:**

10260.....52587

10261.....52589

**Executive Orders:**

14047.....52591

**Administrative Orders:**

## Presidential

## Determinations:

No. 2021–13 of

September 15,

2021 .....52818

**10 CFR**

52.....52593

**Proposed Rules:**

52.....52619

**14 CFR**

39 (2 documents) .....52599,

52600

71 (5 documents) .....52603,

52604, 52605, 52606, 52608

**Proposed Rules:**

71 (2 documents) .....52622,

52623

**19 CFR**

Ch. I (2 documents).....52609,

52611

**26 CFR**

1.....52612

**33 CFR****Proposed Rules:**

187.....52792

**38 CFR**

71.....52614

**40 CFR****Proposed Rules:**

174.....52624

180.....52624

**46 CFR****Proposed Rules:**

525.....52627

**47 CFR**

1.....52742

# Presidential Documents

Title 3—

Proclamation 10260 of September 17, 2021

The President

Minority Enterprise Development Week, 2021

By the President of the United States of America

## A Proclamation

For many families, a business is more than a job—it is the fulfillment of a dream: a better life, a family legacy, a place in the community. Minority businesses in particular are the heart and soul of so many communities across our Nation. From Wall Street to Main Street, over 9.2 million minority business enterprises (MBEs) support jobs and generate more than \$1.8 trillion for our economy every year. During Minority Enterprise Development Week, our Nation recognizes the importance of minority-owned businesses and the impact they have on every community.

Even as the COVID-19 pandemic continues to test America's businesses like few events in our Nation's history, MBEs and minority business owners have shown remarkable resilience, working around the clock and adapting to changes to keep their businesses running and their employees safely working. Despite these efforts, minority-owned businesses have been disproportionately hard-hit, with many forced to shut down because of revenue losses and many more hanging on by a thread.

My Administration is committed to supporting minority entrepreneurs and minority-owned businesses. On my first day in office, I signed an Executive Order directing the entire Federal Government to advance equity for underserved communities across our Nation, specifically with respect to Federal procurement. In order to help our struggling businesses during the darkest moments of the pandemic, my Administration revamped the Paycheck Protection Program to provide greater access to small businesses, including minority-owned businesses.

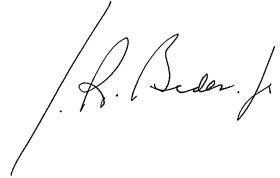
Because the Federal Government is the Nation's largest buyer, purchasing \$600 billion of goods and services each year, and because these purchases not only meet our Nation's needs but also supply economic opportunity, I recently announced a new goal to increase the share of contracts awarded to small disadvantaged businesses by 50 percent over the next 5 years. Additionally, my Bipartisan Infrastructure Deal will expand the authority and stature of the Minority Business Development Agency within the Department of Commerce so that it can continue to break barriers, blaze new trails, and eliminate the unique challenges minority-owned businesses face in accessing capital, contracts, and market avenues to success.

During Minority Enterprise Development Week, we recognize that our Nation and our economy are stronger because of the hardworking men and women who comprise America's minority business community. They consistently demonstrate the courage it takes to overcome adversity, seize opportunity, and contribute to our shared prosperity.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 19, 2021, through September 25, 2021, as Minority Enterprise Development Week. I call upon the people of the United States to acknowledge and celebrate the achievements and contributions of minority business entrepreneurs and enterprises and commit together to promote systemic economic equality.



IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

A handwritten signature in black ink, appearing to read "Joe Biden", is written over a diagonal line that serves as a signature line.

## Presidential Documents

**Proclamation 10261 of September 17, 2021**

### **National Farm Safety and Health Week, 2021**

**By the President of the United States of America**

#### **A Proclamation**

In every generation, America's farmers, ranchers, and farmworkers have fed and fueled our Nation, nurturing the strength and health of our people, our communities, and our economy. Since 1944, we have celebrated these critical workers during National Farm Safety and Health Week—a time for all of us to recommit ourselves to advancing the safety and well-being of all hardworking farm and ranch workers.

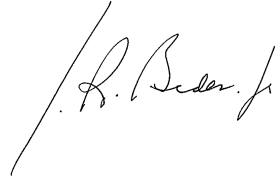
The contributions of farmers, ranchers, and farmworkers have always been essential, but they have perhaps never been more evident than during the COVID-19 pandemic. The pandemic has taken an incalculable toll on our Nation's farms and farming communities, with high rates of infections and illnesses affecting nearly every facet of our agricultural system. Beyond the unique challenges posed by the pandemic, the agriculture sector has always been both physically and mentally demanding, and it remains one of the most dangerous industries in America.

Despite these challenges, our dedicated farmers, ranchers, and farmworkers have continued to work around the clock, putting their lives and the lives of their loved ones on the line to ensure that families across the country have food on the table. Their sacrifices are commendable, but they should not have to risk injury, illness, or death to do their jobs. Our Nation has a duty to protect agricultural workers and promote safety education for farmers and farm families. We must continue to reduce the risks of accidents, injuries, and fatalities—including those on rural roadways involving tractors and other machinery—as well as the health risks associated with prolonged exposure to fertilizers and chemical agents. We must continue to get Americans vaccinated, so that our brave farmers, ranchers, and farmworkers can go to work free from the deadly threat of COVID-19.

American farmworkers are the best in the world, and they have always faced the challenges of the job head-on. Their success is our Nation's success, and we must support them and their well-being as they feed the world, lift up their local communities, and contribute to the prosperity and possibilities of rural America and beyond. My Administration is committed to ensuring that every farmer, rancher, and farmworker can work in a safe and healthy environment. By having their backs, our Nation will continue to lead the world in agricultural production and innovation and ensure that our food supply is secure and our economy is strong.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 19 through September 25, 2021, as National Farm Safety and Health Week. I call upon the people of the United States, including America's farmers and ranchers and agriculture-related institutions, organizations, and businesses to reaffirm a dedication to farm safety and health. I also urge all Americans to honor the historic and ongoing contributions of our agricultural sector and express appreciation and gratitude to our farmers and ranchers for their vital contributions and tireless service to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

A handwritten signature in black ink, appearing to read "Joe Biden", is written over a diagonal line that serves as a signature line.

## Presidential Documents

Executive Order 14047 of September 17, 2021

### Adding Measles to the List of Quarantinable Communicable Diseases

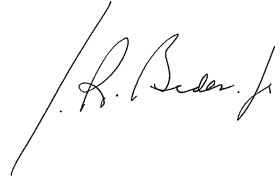
By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 264(b) of title 42, United States Code, it is hereby ordered as follows:

**Section 1.** *Amendment to Executive Order 13295.* Based upon the recommendation of the Secretary of Health and Human Services, in consultation with the Surgeon General, and for the purposes set forth in section 1 of Executive Order 13295 of April 4, 2003 (Revised List of Quarantinable Communicable Diseases), section 1 of Executive Order 13295, as amended by Executive Order 13375 of April 1, 2005 (Amendment to Executive Order 13295 Relating to Certain Influenza Viruses and Quarantinable Communicable Diseases), and Executive Order 13674 of July 31, 2014 (Revised List of Quarantinable Communicable Diseases), shall be further amended by adding “Measles” to the existing list after “infectious Tuberculosis.”

**Sec. 2.** *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
  - (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
- (b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to read "Joe Biden", is written over a diagonal line that extends from the bottom left towards the top right.

THE WHITE HOUSE,  
*September 17, 2021.*

# Rules and Regulations

Federal Register

Vol. 86, No. 181

Wednesday, September 22, 2021

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 52

[NRC–2020–0269]

RIN 3150–AK56

### Extending the Duration of the AP1000 Design Certification

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Direct final rule and issuance of environmental assessment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to update the design to reflect changes provided by Westinghouse Electric Company LLC and to extend the duration of the AP1000 design certification for an additional 5 years. The NRC is also issuing an environmental assessment.

**DATES:** The final rule is effective December 6, 2021, unless significant adverse comments are received by October 22, 2021. If the direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the **Federal Register**. The incorporation by reference of certain publications listed in this regulation is approved by the Director of the Office of the Federal Register as of December 6, 2021.

**ADDRESSES:** You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC–2020–0269. Address questions about NRC dockets to Dawn Forder; telephone: 301–415–3407; email: [Dawn.Forder@nrc.gov](mailto:Dawn.Forder@nrc.gov). For technical questions contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **Email comments to:** [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov). If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

Daniel Doyle, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–3748, email: [Daniel.Doyle@nrc.gov](mailto:Daniel.Doyle@nrc.gov), or Bruce Baval, Office of Nuclear Reactor Regulation, telephone: 301–415–6715, email: [Bruce.Baval@nrc.gov](mailto:Bruce.Baval@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

#### SUPPLEMENTARY INFORMATION:

#### Table of Contents

- I. Obtaining Information and Submitting Comments
- II. Rulemaking Procedure
- III. Background
- IV. Discussion
- V. Section-by-Section Analysis
- VI. Regulatory Flexibility Certification
- VII. Regulatory Analysis
- VIII. Backfitting and Issue Finality
- IX. Plain Writing
- X. Environmental Assessment and Final Finding of No Significant Impact
- XI. Paperwork Reduction Act
- XII. Congressional Review Act
- XIII. Agreement State Compatibility
- XIV. Voluntary Consensus Standards
- XV. Availability of Documents
- XVI. Procedures for Access to Proprietary and Security-Related Information for Preparation of Comments on the Direct Final Rule
- XVII. Incorporation by Reference—Reasonable Availability to Interested Parties

#### I. Obtaining Information and Submitting Comments

##### A. Obtaining Information

Please refer to Docket ID NRC–2020–0269 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC–2020–0269.
- **NRC’s Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly

available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room reference staff at 1–800–397–4209, at 301–415–4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the Availability of Documents section.

- **Attention:** The Public Document Room, where you may examine and order copies of public documents, is currently closed. You may submit your request via email at [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1–800–397–4209 between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

- **Attention:** The Technical Library, which is located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852, is open by appointment only. Interested parties may make appointments to examine documents by contacting the NRC Technical Library by email at [Library.Resource@nrc.gov](mailto:Library.Resource@nrc.gov) between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

##### B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC–2020–0269 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS.

The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment

submissions available to the public or entering the comment into ADAMS. Comments received after October 22, 2021, will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Comments received on this direct final rule also will be considered to be comments on a companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**.

## II. Rulemaking Procedure

Because the NRC anticipates that this action will be non-controversial, the NRC is using the “direct final rule procedure” for this rule. The rule will become effective on December 6, 2021. However, if the NRC receives significant adverse comments by October 22, 2021, then the NRC will publish a document that withdraws this direct final rule and will subsequently address the comments received in any final rule as a response to the companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**. Absent significant modifications to the proposed revisions requiring republication, the NRC does not intend to initiate a second comment period on this action in the event the direct final rule is withdrawn.

A significant adverse comment is a comment in which the commenter explains why the rule (including the environmental assessment) would be inappropriate, including challenges to the rule’s underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if it meets the following criteria:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC to make a change (other than editorial) to the rule.

For detailed instructions on filing comments, please see the **ADDRESSES** section in the companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**.

## III. Background

The NRC is amending the design certification (DC) for the AP1000 standard plant design to extend the duration of the DC for 5 years, as proposed by the NRC staff in SECY–20–0082, “Rulemaking Plan to Extend the Duration of the AP1000 Design Certification,” dated September 8, 2020 (“rulemaking plan”), and approved by the Commission in SRM–SECY–20–0082, dated November 17, 2020. To issue this extension, the NRC must conclude that the standard design continues to meet the applicable standards and requirements of the Atomic Energy Act of 1954, as amended (the AEA), and the Commission’s regulations. This action allows an applicant to reference the AP1000 design certification while the Commission considers potential changes to the duration and renewal of future and currently valid design certifications more broadly in a separate, ongoing rulemaking (Alignment of Licensing Processes and Lessons Learned from New Reactor Licensing NRC–2009–0196; RIN 3150–AI66). The NRC also is updating the DC to reflect changes provided by Westinghouse Electric Company LLC (Westinghouse), by letter dated March 19, 2021 (ADAMS Accession No. ML21081A023).

The purpose of the amendment is to extend by 5 years the period that the AP1000 DC is valid for referencing by an applicant and to include design changes previously approved by the NRC in multiple combined license proceedings. The extended duration aligns with the extended renewal period previously granted by the NRC to Westinghouse for the AP1000 DC in its exemption issued by letter dated February 14, 2018 (ADAMS Accession No. ML17265A099). With this duration extension, the AP1000 DC remains valid for referencing until February 27, 2026.

The AP1000 DC in appendix D, “Design Certification Rule for the AP1000 Design,” to part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants,” of title 10 of the *Code of Federal Regulations* (10 CFR) expired on February 27, 2021. By letter dated June 26, 2020, Westinghouse requested that the NRC extend the duration of the AP1000 DC by 5 years, retroactive to the expiration date.

## IV. Discussion

In the rulemaking plan, the NRC staff acknowledged that there were known design issues that it would need to assess in the rulemaking to determine their impact on the necessary safety and environmental findings. The following five aspects of the design were discovered to have issues after the NRC updated the design certification rule to incorporate Revision 19 of the AP1000 design control document (DCD) (ADAMS Accession No. ML11171A500) on December 30, 2011: (1) Passive core cooling system containment condensate return, (2) main control room dose, (3) main control room heatup, (4) hydrogen vent inspections, tests, analyses, and acceptance criteria (ITAAC), and (5) neutron flux logic operating bypass. Combined license holders and applicants have previously referenced and resolved these five design issues, and the NRC has approved the same changes to address the issues in multiple combined license applications and amendments.

After the NRC staff began assessing the known design issues for the rulemaking, Westinghouse indicated its preference to update the design to reflect the changes made in the previous applications referencing the AP1000 design. By letter dated March 19, 2021 (ADAMS Accession No. ML21081A023), Westinghouse submitted applicable AP1000 DCD markups and references that illustrate how: (1) The five issues have been corrected based on construction of the current AP1000 reactors for Southern Nuclear Company Vogtle Electric Generating Plant, Units 3 and 4, and (2) Westinghouse has marked up the referenced DCD in accordance with those changes. The NRC staff used these references to verify the Westinghouse submitted DCD markups are the same as the design changes the NRC has previously reviewed and approved to address the design issues.

The NRC staff verified, as documented in the NRC staff’s Verification Evaluation Report, that the corrected information provided in the markups is the same as has been previously reviewed and approved by the NRC for various combined license and license amendment applications. In reviewing those applications, the NRC staff determined that the design changes resolved the identified design issues, met the applicable regulations, and that the design as modified met the applicable requirements of the AEA and the NRC’s regulations. Neither the applicable provisions of the AEA nor the NRC’s regulations have changed since those applications were approved.

Therefore, the NRC concludes that the relevant safety findings reached in the NRC staff reviews of those prior applications apply to the AP1000 design changes incorporated by this final rule and that the standard design, as modified by those changes, meets the applicable standards of the AEA and the NRC's regulations.

## V. Section-by-Section Analysis

The following paragraphs describe the specific changes in this direct final rule.

### Appendix D to Part 52—Design Certification Rule for the AP1000 Design

This direct final rule amends appendix D to 10 CFR part 52 to incorporate amendments to the AP1000 generic design and to extend the duration of the design certification for the AP1000 standard plant design for 5 years.

## II. Definitions

This final rule revises paragraph A by making “document” and “is” plural.

## III. Scope and Contents

This final rule revises paragraph A to include new documents. It also amends paragraph D by adding new paragraph D.3. to clarify which document controls if there is a conflict between the generic DCD and any of the safety evaluations listed in new paragraphs D.3.a. through D.3.f.

## V. Applicable Regulations

This final rule adds a new paragraph A.3. to show the regulations that are applicable to the generic AP1000 design as amended.

## VI. Issue Resolution

This final rule revises paragraphs B.1. to include the Verification Evaluation Report and note that the documents referenced in this paragraph have been amended by the supplemental information submitted by Westinghouse. It revises paragraph B.7 to include the NRC's final environmental assessment of the amendment and extension of the AP1000 DC.

## VII. Duration of This Appendix

This final rule revises the period of reference for Appendix D from 15 years to 20 years.

## VI. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), the NRC certifies that this direct final rule does not have a significant economic impact on a substantial number of small entities.

This direct final rule affects only the licensing and operation of nuclear power plants. The companies that own these plants or would apply to own such a plant do not fall within the scope of the definition of “small entities” set forth in the Regulatory Flexibility Act or the size standards established by the NRC (§ 2.810).

## VII. Regulatory Analysis

The NRC has not prepared a regulatory analysis for this direct final rule. The NRC prepares regulatory analyses for rulemakings that establish generic regulatory requirements applicable to all licensees. Design certifications are not generic rulemakings in the sense that design certifications do not establish standards or requirements with which all licensees must comply. Rather, design certifications are NRC approvals of specific nuclear power plant designs by rulemaking, which then may be voluntarily referenced by applicants for combined licenses or construction permits. For these reasons, the NRC concludes that preparation of a regulatory analysis is neither required nor appropriate.

## VIII. Backfitting and Issue Finality

The NRC has determined that this direct final rule does not constitute backfitting as defined in the backfit rule (§ 50.109) and does not affect the issue finality of any approval issued under 10 CFR part 52.

This final rule extending the duration of the AP1000 design certification and adopting design changes does not constitute backfitting as defined in the backfit rule because the extension of the design certification does not affect any previously issued licenses. In addition, the design changes do not constitute backfitting because all existing licenses referencing the AP1000 standard design have previously been amended to adopt the same design changes incorporated by this rule, and the rule therefore does not result in modifications or additions to those facilities.

This rule does not affect the issue finality of any approval issued under 10 CFR part 52 because the AP1000 design certification is not currently in effect under §§ 52.55 or 52.61, and therefore issue finality under § 52.63(a) does not apply to the AP1000 design certification rule.

## IX. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner that also follows other best practices appropriate to the

subject or field and the intended audience. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, “Plain Language in Government Writing,” published June 10, 1998 (63 FR 31885).

## X. Environmental Assessment and Final Finding of No Significant Impact

The NRC has determined under the National Environmental Policy Act of 1969, as amended (NEPA), and the NRC's regulations in subpart A, “National Environmental Policy Act—Regulations Implementing Section 102(2),” of 10 CFR part 51, “Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,” that this direct final rule, if confirmed, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The NRC's generic determination in this regard, reflected in § 51.32(b)(1), is based upon the following considerations. A design certification rule does not authorize the siting, construction, or operation of a facility referencing any particular design, but only codifies a standard design certification in a rule (extending the AP1000 design certification and incorporating changes to the design in this case). The NRC will evaluate the environmental impacts and issue an environmental impact statement as appropriate under NEPA as part of the application for the construction and operation of a facility referencing any particular design certification rule.

The determination of this environmental assessment is that there will be no significant environmental impact from this action. The environmental assessment is available as indicated in the Availability of Documents section.

## XI. Paperwork Reduction Act

This direct final rule does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing collections of information were approved by the Office of Management and Budget, control number 3150–0151.

### Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid Office of Management and Budget control number.



**XII. Congressional Review Act**

This direct final rule is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

**XIII. Agreement State Compatibility**

Under the “Policy Statement on Adequacy and Compatibility of Agreement States Programs,” approved by the Commission on June 20, 1997, and published in the **Federal Register** (62 FR 46517; September 3, 1997), this rule is classified as compatibility “NRC.” Compatibility is not required for Category “NRC” regulations. The NRC program elements in this category are those that relate directly to areas of

regulation reserved to the NRC by the Atomic Energy Act or the provisions of 10 CFR, and although an Agreement State may not adopt program elements reserved to the NRC, it may wish to inform its licensees of certain requirements by a mechanism that is consistent with a particular State’s administrative procedure laws, but does not confer regulatory authority on the State.

**XIV. Voluntary Consensus Standards**

The National Technology Transfer and Advancement Act of 1995, Public Law 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise

impractical. Design certifications are not generic rulemakings establishing a generally applicable standard with which all 10 CFR parts 50 and 52 nuclear power plant licensees must comply. Design certifications are Commission approvals of specific nuclear power plant designs by rulemaking. Furthermore, design certifications are initiated by an applicant for rulemaking, rather than by the NRC. This action does not constitute the establishment of a standard that contains generally applicable requirements.

**XV. Availability of Documents**

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS Accession No./ <b>Federal Register</b> citation
Environmental Assessment by the U.S. Nuclear Regulatory Commission Relating to Extension of the AP1000 Standard Design Certification Docket No. 52–006, dated September 1, 2021.	ML21181A109
Reactor Regulatory History on Design Certification Rules, dated April 26, 2000 <sup>1</sup>	ML003761550
SECY–20–0082, “Rulemaking Plan to Extend the Duration of the AP1000 Design Certification,” dated September 8, 2020.	ML20252A153
Staff Requirements Memorandum for SECY–20–0082, “Rulemaking Plan to Extend the Duration of the AP1000 Design Certification,” dated November 17, 2020.	ML20322A047
U.S. Nuclear Regulatory Commission Verification Evaluation Report, dated May 11, 2021	ML21131A221
Westinghouse AP1000 Design Control Document Revision 19, dated June 13, 2011	ML11171A500
NRC Letter for the Staff Evaluation of the Westinghouse Request for Exemptions Related to the Duration of the AP1000 Design Certification, dated February 14, 2018.	ML17265A099
Westinghouse Electric Company LLC—AP1000 Design Certification Extension Request, dated June 26, 2020	ML20178A640
Westinghouse Electric Company LLC, Supplemental Information to Support the AP1000 Design Certification Extension (Non-proprietary), DCP_NRC_003343, dated March 19, 2021.	ML21081A023
Safety Evaluation—Issuance of Amendment Nos. 72 and 71 for Southern Nuclear Company, Inc., Vogtle Units 3 and 4, Respectively, License Amendment Request (LAR) 16–026, dated February 27, 2017.	ML17024A307
Safety Evaluation—Amendment Nos. 123 and 122 for Southern Nuclear Company, Inc., Vogtle Electric Generating Plant Units 3 and 4, Respectively, LAR–17–023, dated April 20, 2018.	ML18085A628
Safety Evaluation—Amendment Nos. 108 and 107 for Southern Nuclear Company, Inc., Vogtle Units 3 and 4, Respectively, LAR–17–001, dated February 1, 2018.	ML18011A894
Safety Evaluation—Amendment Nos. 84 and 83 for Southern Nuclear Company, Inc., Vogtle Units 3 and 4, Respectively, LAR–17–003, dated August 23, 2017.	ML17213A224
Safety Evaluation—Amendment Nos. 71 and 70 for Southern Nuclear Company, Inc., Vogtle Units 3 and 4, Respectively, LAR–16–006, dated February 24, 2017.	ML16320A174
Safety Evaluation—Florida Power and Light Company’s Turkey Point Nuclear Generating Units 6 and 7, FSER Chapter 16, “Technical Specifications,” dated November 10, 2016.	ML16266A185

The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at <https://www.regulations.gov> under Docket ID NRC–2020–0269.

<sup>1</sup> The regulatory history of the NRC’s design certification reviews is a package of documents that is available in the NRC’s Public Document Room and NRC Library: Reactor Regulatory History on Design Certification Rules, April 26, 2000. This history spans the period during which the NRC simultaneously developed the regulatory standards for reviewing these designs and the form and content of the rules that certified the designs. This document predates this rulemaking and therefore does not contain a regulatory history for this rulemaking.

**XVI. Procedures for Access to Proprietary and Security-Related Information for Preparation of Comments on the Direct Final Rule**

This section contains instructions regarding how the non-publicly available documents related to this rule, and specifically the information contained in Enclosure 2 and Enclosure 4 of the March 19, 2021, letter from Westinghouse, “Information Submittal Related to the AP1000 Design Certification Extension,” may be accessed by interested persons who wish to comment on the design certification extension. These

documents contain proprietary information and security-related information.

Interested persons who desire access to proprietary information or security-related information on the AP1000 design certification extension should first request access to that information from Westinghouse Electric Company LLC, the design certification applicant. A request for access should be submitted to the NRC if the applicant does not either grant or deny access by the 10-day deadline described in the following section.

### *Submitting a Request to the NRC for Access*

Within 10 days after publication of this direct final rule, any individual or entity who believes access to proprietary information or security-related information is necessary in order to submit comments on this rule may request access to such information. Requests for access to proprietary information or security-related information submitted more than 10 days after publication of this document will not be considered absent a showing of good cause for the late filing explaining why the request could not have been filed earlier.

The requestor shall submit a letter requesting permission to access proprietary information or security-related information to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Attention: Rulemakings and Adjudications Staff, Washington, DC 20555-0001. The email address for the Office of the Secretary is [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov). The requestor must send a copy of the request to the design certification applicant at the same time as the original transmission to the NRC using the same method of transmission. Requests to the applicant must be sent to Zachary S. Harper, Manager, Licensing Engineering, Westinghouse Electric Company LLC, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

The request must include the following information:

(1) The name of this design certification, AP1000 Design Certification; the rulemaking identification number, RIN 3150-AK56; the rulemaking docket number, NRC-2020-0269; and the **Federal Register** citation for this rule.

(2) The name, address, and email or fax number of the requestor.

(3) The identity of the individual(s) to whom access is to be provided, including the identity of any expert, consultant, or assistant who will aid the requestor in evaluating the information.

(4) The requestor's need for the proprietary information or security-related information in order to prepare meaningful comments on the design certification extension must be demonstrated. Each of the following areas must be addressed with specificity:

(a) The specific issue or subject matter on which the requestor wishes to comment.

(b) An explanation why information which is publicly available is insufficient to provide the basis for

developing meaningful comment on the AP1000 design certification extension rule with respect to the issue or subject matter described in paragraph 4.a. of this section.

(c) The technical competence (demonstrable knowledge, skill, training or education) of the requestor to effectively utilize the requested information to provide the basis for meaningful comment. Technical competence may be shown by reliance on a qualified expert, consultant, or assistant who satisfies these criteria.

(d) A chronology and discussion of the requestor's attempts to obtain the information from the design certification applicant, and the final communication from the requestor to the applicant and the applicant's response, if any was provided, with respect to the request for access to proprietary information or security-related information must be submitted.

Based on an evaluation of the information submitted under paragraph (4) of this section, as applicable, the NRC will determine within 10 days of receipt of the request whether the requestor has established a legitimate need for access to proprietary information or security-related information.

### *Determination of Legitimate Need for Access*

If the NRC determines that the requestor has established a legitimate need for access to proprietary information or security-related information, the NRC will notify the requestor in writing that access to proprietary information or security-related information has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit by each individual who will be granted access.

### *Filing of Comments on the AP1000 Design Certification Extension Rule Based on Non-Public Information*

Any comments on this final rule that are based upon the disclosed proprietary information or security-related information must be filed by the requestor no later than 25 days after receipt of (or access to) that information, or the close of the public comment period, whichever is later. The commenter must comply with all NRC requirements regarding the submission of proprietary information and security-

related information to the NRC when submitting comments to the NRC (including marking and transmission requirements).

### *Review of Denials of Access*

If the request for access to proprietary information or security-related information is denied by the NRC after a determination on requisite need, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

The requestor may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with the NRC's Executive Director for Operations under § 9.29(d).

## **XVII. Incorporation by Reference—Reasonable Availability to Interested Parties**

The NRC is incorporating by reference a document submitted by Westinghouse that updates the AP1000 DC, Revision 19. As described in the Discussion section of this document, the information submitted by Westinghouse includes the applicable AP1000 DC markups and references that illustrate how the five known design issues have been corrected and how Westinghouse has marked up the referenced DCD in accordance with those changes.

The NRC is required by law to obtain approval for incorporation by reference from the Office of the Federal Register. The Office of the Federal Register's requirements for incorporation by reference are set forth in 1 CFR part 51. These regulations require an agency to include in a direct final rule a discussion of the ways that the materials the agency incorporates by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties. The discussion in this section complies with the requirement for direct final rules as set forth in 1 CFR 51.5(b)(2).

The NRC considers "interested parties" to include all potential NRC stakeholders, not only the individuals and entities regulated or otherwise subject to the NRC's regulatory oversight. These NRC stakeholders are not a homogeneous group but vary with respect to the considerations for determining reasonable availability. Therefore, the NRC distinguishes between different classes of interested parties for the purposes of determining whether the material is "reasonably available." The NRC considers the following to be classes of interested parties in NRC rulemakings with regard

to the material to be incorporated by reference:

- Individuals and small entities regulated or otherwise subject to the NRC's regulatory oversight (this class also includes applicants and potential applicants for licenses and other NRC regulatory approvals) and who are subject to the material to be incorporated by reference by rulemaking. In this context, "small entities" has the same meaning as a "small entity" under § 2.810.
- Large entities otherwise subject to the NRC's regulatory oversight (this class also includes applicants and potential applicants for licenses and other NRC regulatory approvals) and who are subject to the material to be incorporated by reference by rulemaking. In this context, "large entities" are those that do not qualify as a "small entity" under § 2.810.
- Non-governmental organizations with institutional interests in the matters regulated by the NRC.
- Other Federal agencies, States, local governmental bodies (within the meaning of § 2.315(c)).
- Federally-recognized and State-recognized<sup>2</sup> Indian tribes.
- Members of the general public (*i.e.*, individual, unaffiliated members of the public who are not regulated or otherwise subject to the NRC's regulatory oversight) who may wish to gain access to the materials which the NRC incorporates by reference by rulemaking in order to participate in the rulemaking process.

The NRC makes the materials incorporated by reference available for inspection to all interested parties, by appointment, at the NRC Technical Library, which is located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852; telephone: 301-415-7000; email:

[Library.Resource@nrc.gov](mailto:Library.Resource@nrc.gov). In addition, as described in the Availability of Documents section, documents related to this direct final rule are available online in the NRC's Agencywide Documents Access and Management System (ADAMS) Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>.

The NRC concludes that the materials the NRC is incorporating by reference in this final rule are reasonably available to all interested parties because the materials are available to all interested parties in multiple ways and in a

manner consistent with their interest in the materials.

#### List of Subjects in 10 CFR Part 52

Administrative practice and procedure, Antitrust, Combined license, Early site permit, Emergency planning, Fees, Incorporation by reference, Inspection, Issue finality, Limited work authorization, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress of site, Penalties, Reporting and recordkeeping requirements, Standard design, Standard design certification.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 52:

#### PART 52—LICENSES, CERTIFICATIONS, AND APPROVALS FOR NUCLEAR POWER PLANTS

- 1. The authority citation for part 52 continues to read as follows:

**Authority:** Atomic Energy Act of 1954, secs. 103, 104, 147, 149, 161, 181, 182, 183, 185, 186, 189, 223, 234 (42 U.S.C. 2133, 2134, 2167, 2169, 2201, 2231, 2232, 2233, 2235, 2236, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); 44 U.S.C. 3504 note.

- 2. In appendix D to part 52:

- a. Revise sections II.A, III.A, VI.B.1, VI.B.7, and VII; and
- b. Add sections III.D.3 and V.A.3.

The revisions and additions read as follows:

#### Appendix D to Part 52—Design Certification Rule for the AP1000 Design

\* \* \* \* \*

#### II. Definitions

A. *Generic design control document (generic DCD)* means the documents containing the Tier 1 and Tier 2 information and generic technical specifications that are incorporated by reference into this appendix.

\* \* \* \* \*

#### III. Scope and Contents

A. Tier 1, Tier 2 (including the investment protection short-term availability controls in Section 16.3), and the generic TSs in the AP1000 Design Control Document, Revision 19, (Public Version) (AP1000 DCD), APP-GW-GL-702, dated June 13, 2011, and the amendments thereto in DCP\_NRC\_003343, Supplemental Information to Support the AP1000 Design Certification Extension (Non-proprietary), APP-GW-GL-705 Rev. 0, copyright 2021 (Supplemental Information), are approved for incorporation by reference by the Director of the Office of the Federal

Register under 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the generic DCD and Supplemental Information may be obtained from Zachary S. Harper, Manager, Licensing Engineering, Westinghouse Electric Company, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066, telephone (412) 374-5093. Copies of the generic DCD and Supplemental Information are also available for examination and copying at the NRC's PDR, Room O-1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. Copies are available, by appointment, for examination at the NRC Library, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852, telephone (301) 415-5610, email [Library.Resource@nrc.gov](mailto:Library.Resource@nrc.gov). The generic DCD and Supplemental Information can also be viewed online in the NRC Library at <https://www.nrc.gov/reading-rm/adams.html> by searching under ADAMS Accession Nos. ML11171A500 and ML21081A023. If you do not have access to ADAMS or if you have problems accessing documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, at 301-415-3747, or by email at [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). Copies of the AP1000 materials are available in the ADAMS Public Documents Collection. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email at [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

\* \* \* \* \*

D. \* \* \*

- 3. The generic DCD controls if there is a conflict between the generic DCD and any of the following Safety Evaluations (SEs) for the matters discussed in the "Verification Evaluation Report," May 11, 2021 (ADAMS Accession No. ML21131A221):

a. SE for Southern Nuclear Company's (SNC) Vogtle Units 3 and 4, respectively, license amendment request (LAR) 16-026, February 27, 2017 (ADAMS Accession No. ML17024A307);

b. SE for SNC Vogtle Units 3 and 4, respectively, LAR-17-023, April 20, 2018 (ADAMS Accession No. ML18085A628);

c. SE for SNC Vogtle Units 3 and 4, respectively, LAR 17-001, February 1, 2018 (ADAMS Accession No. ML18011A894);

d. SE for SNC Vogtle Units 3 and 4, respectively, LAR-17-003, August 23, 2017 (ADAMS Accession No. ML17213A224);

e. SE for SNC Vogtle Units 3 and 4, respectively, LAR-16-006, February 24, 2017 (ADAMS Accession No. ML16320A174);

f. SE for Florida Power and Light Company's Turkey Point Nuclear Generating Units 6 and 7, respectively, Chapter 16, "Technical Specifications,"

<sup>2</sup> State-recognized Indian tribes are not within the scope of 10 CFR 2.315(c). However, for purposes of the NRC's compliance with 1 CFR 51.5, "interested parties" includes a broad set of stakeholders, including State-recognized Indian tribes.

November 10, 2016 (ADAMS Accession No. ML16266A185).

\* \* \* \* \*

#### V. Applicable Regulations

A. \* \* \* The regulations that apply to those portions of the AP1000 design as amended by Supplemental Information are in 10 CFR parts 20, 50, 52, 73, and 100, codified as of December 6, 2021, that are applicable and technically relevant, as described in the SEs listed in paragraphs III.D.3.a through III.D.3.f of this appendix.

\* \* \* \* \*

#### VI. Issue Resolution

\* \* \* \* \*

B. \* \* \* All nuclear safety issues, except for the generic TS and other operational requirements, associated with the information in the FSER, Supplement Nos. 1 and 2, and the Verification Evaluation Report (ADAMS Accession No. ML21131A221); Tier 1 and Tier 2 (including referenced information, which the context indicates is intended as requirements, and the investment protection short-term availability controls in Section 16.3 of the DCD) as amended by Supplemental Information; and the rulemaking records for initial certification, Amendment 1, and the duration extension of the AP1000 design;

\* \* \* \* \*

7. All environmental issues concerning severe accident mitigation design alternatives associated with the information in the NRC's EA for the AP1000 design, Appendix 1B of Revision 15 of the generic DCD, the NRC's final EA for Amendment 1 to the AP1000 design, Appendix 1B of Revision 19 of the generic DCD, and the NRC's final EA relating to the extension of the AP1000 standard design certification, for plants referencing this appendix whose site parameters are within those specified in the severe accident mitigation design alternatives evaluation.

\* \* \* \* \*

#### VII. Duration of This Appendix

This appendix may be referenced for a period of 20 years from February 27, 2006, except as provided for in 10 CFR 52.55(b) and 52.57(b). This appendix remains valid for an applicant or licensee who references this appendix until the application is withdrawn or the license expires, including any period of extended operation under a renewed license.

\* \* \* \* \*

Dated September 1, 2021.

For the Nuclear Regulatory Commission.

**Margaret M. Doane,**

*Executive Director for Operations.*

[FR Doc. 2021-20226 Filed 9-21-21; 8:45 am]

BILLING CODE 7590-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2021-0459; Project Identifier MCAI-2021-00129-T; Amendment 39-21697; AD 2021-17-14]

RIN 2120-AA64

#### Airworthiness Directives; Gulfstream Aerospace LP Airplanes; Correction

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** The FAA is correcting an airworthiness directive (AD) that was published in the **Federal Register**. That AD applies to certain Gulfstream Aerospace LP Model Gulfstream G280 airplanes. As published, the document number of the Civil Aviation Authority of Israel (CAAI) AD specified in the preamble and regulatory text is incorrect. This document corrects that error. In all other respects, the original document remains the same.

**DATES:** This correction is effective October 14, 2021. The effective date of AD 2021-17-14 remains October 14, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 14, 2021 (86 FR 50451, September 9, 2021).

**ADDRESSES:** For service information identified in this final rule, contact the CAAI, P.O. Box 1101, Golan Street, Airport City, 70100, Israel; telephone 972-3-9774665; fax 972-3-9774592; email [aip@mot.gov.il](mailto:aip@mot.gov.il). You may find this IBR material on the CAAI website at <https://www.caa.gov.il>. You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0459.

#### Examining the AD Docket

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0459; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket

Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3226; email [Tom.Rodriguez@faa.gov](mailto:Tom.Rodriguez@faa.gov).

**SUPPLEMENTARY INFORMATION:** AD 2021-17-14, Amendment 39-21697 (86 FR 50451, September 9, 2021) (AD 2021-17-14), requires non-destructive testing on the forward (front) spar vertical stiffener and rib 0 for any cracking, installation of a doubler to the forward (front) spar and rib 0 attachment, and repair if necessary. That AD applies to certain Gulfstream Aerospace LP Model Gulfstream G280 airplanes.

#### Need for the Correction

As published, the document number of the CAAI AD specified in the preamble and regulatory text of AD 2021-17-14 is incorrect. The document number of the CAAI AD is incorrectly cited as "CAAI AD I-57-2020-06-01." The correct document number should read as, "CAAI AD ISR-I-57-2020-06-01."

#### Related Service Information Under 14 CFR Part 51

CAAI AD ISR-I-57-2020-06-01, dated January 27, 2021, specifies procedures for non-destructive testing (high frequency, mid frequency, and bolt hole eddy current inspections; and a liquid (dye) penetrant inspection) for cracking on the forward (front) spar vertical stiffener and rib 0, installation of a doubler to the forward (front) spar and rib 0 attachment, and repair if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

#### Correction of Publication

This document corrects an error and correctly adds the AD as an amendment to 14 CFR 39.13. Although no other part of the preamble or regulatory information has been corrected, the FAA is publishing the entire rule in the **Federal Register**.

The effective date of this AD remains October 14, 2021.

Since this action only corrects the document number of the CAAI AD, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has

determined that notice and public procedures are unnecessary.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Correction

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Corrected]

- 2. The FAA corrects § 39.13 by correcting the airworthiness directive published at (86 FR 50451) (October 14, 2021) to read:

**2021-17-14 Gulfstream Aerospace LP:**  
Amendment 39-21697; Docket No. FAA-2021-0459; Project Identifier MCAI-2021-00129-T.

#### (a) Effective Date

This airworthiness directive (AD) is effective October 14, 2021.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to Gulfstream Aerospace LP Model Gulfstream G280 airplanes, certificated in any category, as identified in The Civil Aviation Authority of Israel (CAAI) AD ISR-I-57-2020-06-01, dated January 27, 2021 (CAAI AD ISR-I-57-2020-06-01).

#### (d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

#### (e) Reason

This AD was prompted by a report that during full-scale fatigue testing, a crack was found in the area of the attachment of the wing rib 0 to the front spar. The FAA is issuing this AD to address any cracking at the area of the wing rib 0 to the front spar, which could affect the structural integrity of the wing.

#### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

#### (g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, CAAI AD ISR-I-57-2020-06-01.

#### (h) Exception to CAAI AD ISR-I-57-2020-06-01

Where CAAI AD ISR-I-57-2020-06-01 requires compliance “not later than 5,000 flight cycles,” this AD requires compliance before the accumulation of 5,000 total flight cycles since the date of issuance of the original Israeli airworthiness certificate or the date of issuance of the original Israeli export certificate of airworthiness.

#### (i) No Reporting Requirement

Although the service information referenced in CAAI AD ISR-I-57-2020-06-01 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

#### (j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or CAAI; or CAAI's authorized Designee. If approved by the CAAI Designee, the approval must include the Designee's authorized signature.

#### (k) Related Information

For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3226; email Tom.Rodriguez@faa.gov.

#### (l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(3) The following service information was approved for IBR on October 14, 2021 (86 FR 50451, September 9, 2021).

(i) Civil Aviation Authority of Israel (CAAI) AD ISR-I-57-2020-06-01, dated January 27, 2021.

(ii) [Reserved]

(4) For CAAI AD ISR-I-57-2020-06-01, contact CAAI, P.O. Box 1101, Golan Street, Airport City, 70100, Israel; telephone 972-3-9774665; fax 972-3-9774592; email aip@mot.gov.il. You may find this CAAI AD on the CAAI website at <https://www.caa.gov.il>.

(5) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

(6) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov), or go to: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued on September 16, 2021.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2021-20404 Filed 9-21-21; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2021-0515; Project Identifier AD-2021-00191-E; Amendment 39-21739; AD 2021-20-01]

**RIN 2120-AA64**

#### Airworthiness Directives; Pratt & Whitney Turbofan Engines

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all Pratt & Whitney PW1500G and PW1900G series turbofan engines with a certain high-pressure turbine (HPT) 1st-stage hub or HPT rotor 1st-stage blade retaining plate installed. This AD was prompted by a report from the manufacturer who determined that the HPT 1st-stage hub and HPT rotor 1st-stage blade retaining plate fail to meet the published life-cycle limits for each part. This AD requires removal and replacement of the HPT 1st-stage hub and HPT rotor 1st-stage blade retaining plate prior to reaching certain cycle limits. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective October 27, 2021.

**ADDRESSES:** For service information identified in this final rule, contact Pratt & Whitney, 400 Main Street, East Hartford, CT 06118; phone: (800) 565-

0140; fax: (860) 565-5442; email: [help24@prattwhitney.com](mailto:help24@prattwhitney.com); website: <https://fleetcare.prattwhitney.com>. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238-7759. It is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0515.

### Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0515; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

### FOR FURTHER INFORMATION CONTACT:

Mark Taylor, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238-7229; fax: (781) 238-7199; email: [Mark.Taylor@faa.gov](mailto:Mark.Taylor@faa.gov).

### SUPPLEMENTARY INFORMATION:

#### Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Pratt & Whitney PW1500G and PW1900G series turbofan engines with a certain HPT 1st-stage hub or HPT rotor 1st-stage blade retaining plate installed. The NPRM published in the

**Federal Register** on June 29, 2021 (86 FR 34166). The NPRM was prompted by a report from the manufacturer who determined that the HPT 1st-stage hub and HPT rotor 1st-stage blade retaining plate fail to meet the published life-cycle limits for each part. In the NPRM, the FAA proposed to require removal and replacement of the HPT 1st-stage hub and HPT rotor 1st-stage blade retaining plate prior to reaching certain cycle limits. The FAA is issuing this AD to address the unsafe condition on these products.

### Discussion of Final Airworthiness Directive

#### Comments

The FAA received comments from two commenters. The commenters were Delta Air Lines, Inc. (DAL) and the Air Line Pilots Association, International (ALPA). The following presents the comments received on the NPRM and the FAA's response to each comment.

#### Request To Correct Required Actions

DAL requested that the FAA change paragraph (g)(1)(ii) of this AD from removing the affected part and replacing with a part eligible for installation "at the next engine shop visit after accumulating 4,700 CSN. . ." to "at the next engine shop visit after accumulating 4,960 CSN. . ." to mirror the 4,960 CSN listed earlier in the paragraph. DAL suggested that "4,700 CSN" is a typographical error.

The FAA disagrees that "4,700 CSN" is a typographical error. It is the cyclic value at which point certain HPT parts are to be removed from service. In contrast, "4,960 CSN on the effective date of this AD" is a calculated point at which HPT-part removal requirements transition from the requirements of

paragraph (g)(1)(ii) of this AD to the requirements of paragraph (g)(1)(iii) of this AD. "4,960 CSN" and "4,700 CSN" are different in their function and how they are calculated. The FAA did not change this AD.

### Support for the AD

ALPA expressed support for the NPRM as written.

### Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. This AD is adopted as proposed in the NPRM.

### Related Service Information

The FAA reviewed Pratt & Whitney Service Bulletin (SB) PW1000G-A-72-00-0115-00B-930A-D, Issue No. 001, dated April 26, 2021, and Pratt & Whitney SB PW1000G-A-72-00-0168-00A-930A-D, Issue No. 002, dated April 26, 2021. These SBs describe procedures for removing and replacing the HPT 1st-stage hub and HPT rotor 1st-stage blade retaining plate.

### Costs of Compliance

The FAA estimates that this AD affects 88 engines installed on airplanes of U.S. registry. The FAA estimates that in most cases the affected HPT 1st-stage hub and the affected HPT 1st-stage blade retaining plate will both be replaced during the same disassembly of the engine. This cost estimate therefore reflects the cost of replacing both parts during the same engine disassembly.

The FAA estimates the following costs to comply with this AD:

#### ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace HPT 1st-stage hub and HPT rotor 1st-stage blade retaining plate (pro-rated part cost).	300 work-hours × \$85 per hour = \$25,500 ....	\$86,252	\$111,752	\$9,834,176

### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in

Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or

develop on products identified in this rulemaking action.

### Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and

responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

**2021–20–01 Pratt & Whitney:** Amendment 39–21739; Docket No. FAA–2021–0515; Project Identifier AD–2021–00191–E.

#### (a) Effective Date

This airworthiness directive (AD) is effective October 27, 2021.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to Pratt & Whitney PW1519G, PW1521G, PW1521G–3, PW1521GA, PW1524G, PW1524G–3, PW1525G, PW1525G–3, PW1919G, PW1921G, PW1922G, PW1923G, and PW1923G–A model turbofan engines with a high-pressure turbine (HPT) 1st-stage hub, part number (P/N) 30G5701, or an HPT rotor 1st-stage blade retaining plate, P/N 30G1692, installed.

#### (d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

#### (e) Unsafe Condition

This AD was prompted by a report from the manufacturer who determined that the HPT 1st-stage hub and HPT rotor 1st-stage blade retaining plate fail to meet the published life-cycle limits for each part. The FAA is issuing this AD to prevent failure of the HPT 1st-stage hub or HPT rotor 1st-stage blade retaining plate. The unsafe condition, if not addressed, could result in the release

of the HPT 1st-stage hub or HPT rotor 1st-stage blade retaining plate, damage to the engine, and damage to the aircraft.

#### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

#### (g) Required Actions

(1) For PW1519G, PW1521G, PW1521G–3, PW1521GA, PW1524G, and PW1524G–3 model turbofan engines:

(i) For an affected HPT 1st-stage hub and an affected HPT rotor 1st-stage blade retaining plate with 3,000 cycles since new (CSN) or fewer on the effective date of this AD, before the affected part exceeds 4,700 CSN, remove the affected part, as applicable, and replace with a part eligible for installation.

(ii) For an affected HPT 1st-stage hub and an affected HPT rotor 1st-stage blade retaining plate with greater than 3,000 CSN but fewer than 4,960 CSN on the effective date of the AD, at the next engine shop visit after accumulating 4,700 CSN or before the affected part exceeds 5,260 CSN, whichever occurs first, remove the affected part, as applicable, and replace with a part eligible for installation.

(iii) For an affected HPT 1st-stage hub and an affected HPT rotor 1st-stage blade retaining plate with 4,960 CSN or greater on the effective date of the AD, at the next engine shop visit or within 300 cycles after the effective date of this AD, whichever occurs first, remove the affected part, as applicable, and replace with a part eligible for installation.

(2) For PW1919G and PW1921G model turbofan engines:

(i) For an affected HPT 1st-stage hub and an affected HPT rotor 1st-stage blade retaining plate with 3,000 CSN or fewer on the effective date of this AD, before the affected part exceeds 4,700 CSN, remove the affected part, as applicable, and replace with a part eligible for installation.

(ii) For an affected HPT 1st-stage hub and an affected HPT rotor 1st-stage blade retaining plate with greater than 3,000 CSN but fewer than 4,700 CSN on the effective date of the AD, at the next engine shop visit after the affected part accumulates 4,700 CSN or before the affected part exceeds 5,000 CSN, whichever occurs first, remove the affected part, as applicable, and replace with a part eligible for installation.

(iii) For an affected HPT 1st-stage hub and an affected HPT rotor 1st-stage blade retaining plate with 4,700 CSN or greater on the effective date of the AD, at the next engine shop visit or within 300 cycles after the effective date of this AD, whichever occurs first, remove the affected part, as applicable, and replace with a part eligible for installation.

(3) For PW1525G and PW1525G–3 model turbofan engines:

(i) Before the affected HPT 1st-stage hub and affected HPT rotor 1st-stage blade retaining plate exceeds 2,800 CSN, respectively, or within 300 cycles after the effective date of this AD, whichever occurs later, remove the affected part, as applicable,

and replace with a part eligible for installation.

(ii) [Reserved]

(4) For PW1922G, PW1923G, and PW1923G–A model turbofan engines:

(i) Before the affected HPT 1st-stage hub and affected HPT rotor 1st-stage blade retaining plate exceeds 3,000 CSN, respectively, or within 300 cycles after the effective date of this AD, whichever occurs later, remove the affected part, as applicable, and replace with a part eligible for installation.

(ii) [Reserved]

#### (h) Definitions

(1) For the purpose of this AD, an “engine shop visit” is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine case flanges, except for the following, which do not constitute an engine shop visit:

(i) Separation of engine flanges solely for the purposes of transportation without subsequent maintenance does not constitute an engine shop visit.

(ii) Separation of engine flanges solely for the purpose of replacing the fan without subsequent maintenance does not constitute an engine shop visit.

(2) For the purpose of this AD, a “part eligible for installation” is:

(i) For PW1519G, PW1521G, PW1521G–3, PW1521GA, PW1524G, PW1524G–3, PW1919G, and PW1921G model turbofan engines:

(A) Any HPT 1st-stage hub with P/N 30G5701 with 4,700 CSN or fewer, or with a P/N not listed in this AD.

(B) Any HPT rotor 1st-stage blade retaining plate with P/N 30G1692 with 4,700 CSN or fewer, or with a P/N not listed in this AD.

(ii) For PW1525G and PW1525G–3 model turbofan engines:

(A) Any HPT 1st-stage hub with P/N 30G5701 with 2,800 CSN or fewer, or with a P/N not listed in this AD.

(B) Any HPT rotor 1st-stage blade retaining plate with P/N 30G1692 with 2,800 CSN or fewer, or with a P/N not listed in this AD.

(iii) For PW1922G, PW1923G, and PW1923G–A model turbofan engines:

(A) Any HPT 1st-stage hub with P/N 30G5701 with 3,000 CSN or fewer, or with a P/N not listed in this AD.

(B) Any HPT rotor 1st-stage blade retaining plate with P/N 30G1692 with 3,000 CSN or fewer, or with a P/N not listed in this AD.

#### (i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, ECO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j) of this AD. You may email your request to: [ANE-AD-AMOC@faa.gov](mailto:ANE-AD-AMOC@faa.gov).

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager



of the local flight standards district office/  
certificate holding district office.

#### (j) Related Information

For more information about this AD, contact Mark Taylor, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238-7229; fax: (781) 238-7199; email: [Mark.Taylor@faa.gov](mailto:Mark.Taylor@faa.gov).

#### (k) Material Incorporated by Reference

None.

Issued on September 14, 2021.

**Lance T. Gant,**

*Director, Compliance & Airworthiness  
Division, Aircraft Certification Service.*

[FR Doc. 2021-20365 Filed 9-21-21; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2021-0518; Airspace  
Docket No. 21-ASW-12]

**RIN 2120-AA66**

#### **Amendment of Class E Airspace; Oklahoma City, OK**

**AGENCY:** Federal Aviation  
Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends the Class E airspace at Sundance Airport, Oklahoma City, OK. This action is the result of an airspace review due to the decommissioning of the Sundance Localizer (LOC).

**DATES:** Effective 0901 UTC, December 2, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [https://www.faa.gov/air\\_traffic/publications/](https://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email: [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

#### **FOR FURTHER INFORMATION CONTACT:**

Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5711.

#### **SUPPLEMENTARY INFORMATION:**

##### **Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class E airspace extending upward from 700 feet above the surface at Sundance Airport, Oklahoma City, OK, to support instrument flight rule operations at these airports.

##### **History**

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 34168; June 29, 2021) for Docket No. FAA-2021-0518 to amend the Class E airspace at Sundance Airport, Oklahoma City, OK. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

##### **Availability and Summary of Documents for Incorporation by Reference**

This document amends FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

#### **The Rule**

This amendment to 14 CFR part 71 amends the Class E airspace extending upward from 700 feet above the surface to within a 6.5-mile (decreased from a 6.8-mile) radius of Sundance Airport, Oklahoma City, OK.

This action is the result of an airspace review caused by the decommissioning of the Sundance LOC which provided guidance to instrument procedures at this airport.

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

#### **Regulatory Notices and Analyses**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### **Environmental Review**

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5-6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

#### **Lists of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

#### **Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:



# **PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

## **§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

## **ASW OK E5 Oklahoma City, OK [Amended]**

Will Rogers World Airport, OK  
(Lat. 35°23'35" N, long. 97°36'03" W)  
Tinker AFB, OK  
(Lat. 35°24'53" N, long. 97°23'12" W)  
University of Oklahoma Westheimer Airport, OK  
(Lat. 35°14'44" N, long. 97°28'20" W)  
David Jay Perry Airport, OK  
(Lat. 35°09'18" N, long. 97°28'13" W)  
Clarence E. Page Municipal Airport, OK  
(Lat. 35°29'17" N, long. 97°49'25" W)  
El Reno Regional Airport, OK  
(Lat. 35°28'22" N, long. 98°00'21" W)  
Wiley Post Airport, OK  
(Lat. 35°32'03" N, long. 97°38'49" W)  
Sundance Airport, OK  
(Lat. 35°36'07" N, long. 97°42'22" W)

That airspace extending upward from 700 feet above the surface within an 8.1-mile radius of Will Rogers World Airport, and within an 8.2-mile radius of Tinker AFB, and within a 6.7-mile radius of University of Oklahoma Westheimer Airport, and within 2.0 miles each side of the 213° bearing from the airport extending from the 6.7-mile radius to 7.8 miles southwest of the airport, and within a 6.3-mile radius of David Jay Perry Airport, and within a 6.5-mile radius of Clarence E. Page Municipal Airport, and within a 6.6-mile radius of El Reno Regional Airport, and within a 6.8-mile radius of Wiley Post Airport, and within a 6.5-mile radius of Sundance Airport.

Issued in Fort Worth, Texas, on September 16, 2021.

**Martin A. Skinner,**

*Acting Manager, Operations Support Group, ATO Central Service Center.*

[FR Doc. 2021–20364 Filed 9–21–21; 8:45 am]

**BILLING CODE 4910–13–P**

# **DEPARTMENT OF TRANSPORTATION**

## **Federal Aviation Administration**

### **14 CFR Part 71**

**[Docket No. FAA–2021–0478; Airspace Docket No. 21–AWP–28]**

**RIN 2120–AA66**

## **Establishment of Class E Airspace; Mesa Del Rey Airport, CA**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace extending upward from 700 feet above the surface at Mesa Del Rey Airport, King City, CA. The establishment of Class E airspace supports the airport's transition from visual flight rules (VFR) to instrument flight rules (IFR) operations.

**DATES:** Effective 0901 UTC, December 2, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [https://www.faa.gov/air\\_traffic/publications/](https://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

**FOR FURTHER INFORMATION CONTACT:** Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

## **SUPPLEMENTARY INFORMATION:**

### **Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A,

Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace at Mesa Del Rey Airport, King City, CA, to ensure the safety and management of IFR operations at the airport.

## **History**

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 34663; June 30, 2021) for Docket No. FAA–2021–0478 to establish Class E airspace at Mesa Del Rey Airport, King City, CA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E5 airspace designations are published in paragraph 6005 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

## **Availability and Summary of Documents for Incorporation by Reference**

This document amends FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

## **The Rule**

This amendment to 14 CFR part 71 establishes Class E airspace extending upward from 700 feet above the surface at Mesa Del Rey Airport, King City, CA. This airspace is designed to contain IFR departure to 1,200 feet above the surface and IFR arrivals descending below 1,500 feet above the surface. The establishment of Class E airspace supports the airport's transition from VFR to IFR operations.

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

## **Regulatory Notices and Analyses**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally

current, is non-controversial, and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant the preparation of an environmental assessment.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### **PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

##### **§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### **AWP CA E5 King City, CA [New]**

Mesa Del Rey Airport, CA  
(Lat. 36°13'43" N, long. 121°07'17" W)

That airspace extending upward from 700 feet above the surface within a 3.7-mile radius of the airport, and within 4.1 miles each side of the 126° bearing from the airport extending from the airport to 12.8 miles southeast of the airport, and within 3.7 miles each side of the 332° bearing from the airport extending from the 3.7-mile radius to 9.3 miles northwest of the airport.

Issued in Des Moines, Washington, on September 15, 2021.

**B.G. Chew,**

*Acting Group Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2021–20321 Filed 9–21–21; 8:45 am]

**BILLING CODE 4910–13–P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 71**

**[Docket No. FAA–2021–0294; Airspace Docket No. 20–ASO–31]**

**RIN 2120–AA66**

#### **Amendment and Removal of Air Traffic Service (ATS) Routes; Eastern United States**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends two jet routes, and removes four jet routes, in the eastern United States. This action is in support of the Northeast Corridor Atlantic Coast Route Project to improve the efficiency of the National Airspace System (NAS) and reduce dependency on ground-based navigational systems.

**DATES:** Effective date 0901 UTC, December 2, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [https://www.faa.gov/air\\_traffic/publications/](https://www.faa.gov/air_traffic/publications/). For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC, 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email: [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

**FOR FURTHER INFORMATION CONTACT:** Paul Gallant, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

#### **SUPPLEMENTARY INFORMATION:**

##### **Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the route structure as necessary to preserve the safe and efficient flow of air traffic within the NAS.

##### **History**

The FAA published a notice of proposed rulemaking for Docket No. FAA–2021–0294 in the **Federal Register** (86 FR 24801; May 10, 2021), amending three jet routes, and removing four jet routes in the United States in support of the Northeast Corridor Atlantic Coast Route Project. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Jet routes are published in paragraph 2004 of FAA Order JO 7400.11F dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The jet routes listed in this document will be subsequently amended in, or removed, respectively, from the Order.

##### **Availability and Summary of Documents for Incorporation by Reference**

This document amends FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

## Difference From the NPRM

The NPRM proposed to amend jet route J-55 by removing the segments between Sea Isle, NJ, and Presque Isle, ME. Design and coordination of the proposed amendment is incomplete so the J-55 amendment is removed from this final rule. The change will be deferred to a later date. J-55 will remain as currently depicted on aeronautical charts.

## The Rule

This action amends 14 CFR part 71 by amending two jet routes and removing four jet routes in the eastern United States. This action supports the Northeast Corridor Atlantic Coast Route Project by amending and removing certain jet route segments that are being replaced by Area Navigation (RNAV) routing. Additionally, the jet route changes will reduce aeronautical chart clutter by removing unneeded route segments.

The jet route changes are as follows:

**J-42:** J-42 currently extends between the Delicias, Mexico, VOR/DME, and the Boston, MA, VOR/DME. This action removes the segments between Texarkana, AR, and Boston, MA. The amended route extends between Delicias, Mexico and Texarkana, AR. The portion within Mexico is excluded.

**J-150:** J-150 extends between the Gordonsville, VA, VOR/Tactical Air Navigation (VORTAC) and the Marconi, MA, 082° and the Boston, MA, 097° radials (STOOL intersection). This action removes the entire route.

**J-191:** J-191 currently extends between the Robbinsville, NJ, VORTAC, and the Wilmington, NC, VORTAC. This action removes the segments between Robbinsville, NJ, and Patuxent, MD. The amended route extends between Hopewell, VA and Wilmington, NC.

**J-193:** J-193 currently extends between the Wilmington, NC, VORTAC, and the intersection of the Harcum, VA, VORTAC 006° and the Hopewell, VA, VORTAC 030° radials (HUBBS intersection). This action removes the entire route.

**J-222:** J-222 currently extends between the Robbinsville, NJ, VORTAC, and the Cambridge, NY, VHF Omnidirectional Range (VOR)/Distance Measuring Equipment (DME). This action removes the entire route.

**J-225:** J-225 currently extends between the Cedar Lake, NJ, VOR/DME, and the Providence, RI, VOR/DME. This action removes the entire route.

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

## Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

## Environmental Review

The FAA has determined that this action of amending two jet routes, removing four jet routes, in the eastern United States qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to cause any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

## List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

## The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

## PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

#### Paragraph 2004 Jet Routes.

\* \* \* \* \*

#### J-42 [Amended]

From Delicias, Mexico, via Fort Stockton, TX; Abilene, TX; Ranger, TX; Texarkana, AR; excluding the portion in Mexico.

\* \* \* \* \*

#### J-150 [Removed]

\* \* \* \* \*

#### J-191 [Amended]

From Hopewell, VA; to Wilmington, NC

\* \* \* \* \*

#### J-193 [Removed]

\* \* \* \* \*

#### J-222 [Removed]

\* \* \* \* \*

#### J-225 [Removed]

\* \* \* \* \*

Issued in Washington, DC, on September 15, 2021.

**Michael R. Beckles,**

*Manager, Rules and Regulations Group.*

[FR Doc. 2021–20294 Filed 9–21–21; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2021–0426; Airspace Docket No. 21–AWP–14]

**RIN 2120–AA66**

#### Modification and Removal of Class E Airspace; South Lake Tahoe, CA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action modifies the Class E airspace, designated as a surface area, at Lake Tahoe Airport, South Lake Tahoe, CA. This action removes the

Class E airspace designated as an extension to a Class D or Class E surface area, and it modifies the Class E airspace extending upward from 700 feet above the surface. This action also implements two administrative updates to the Class E2's text header.

**DATES:** Effective 0901 UTC, December 2, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [https://www.faa.gov/air\\_traffic/publications/](https://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

**FOR FURTHER INFORMATION CONTACT:** Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231-3695.

#### **SUPPLEMENTARY INFORMATION:**

#### **Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies and removes Class E airspace at Lake Tahoe Airport, South Lake Tahoe, CA, to ensure the safety and management of instrument flight rules (IFR) operations at the airport.

#### **History**

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 31998; June 16, 2021)

for Docket No. FAA-2021-0426 to modify the Class E airspace at Lake Tahoe Airport, South Lake Tahoe, CA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received.

The comment discussed changes to Class D airspace at Lake Tahoe Airport. The comment is not germane to this action, because Lake Tahoe Airport does not have a Class D airspace area.

Class E2, E4, and Class E5 airspace designations are published in paragraphs 6002, 6004, and 6005, respectively, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

#### **Availability and Summary of Documents for Incorporation by Reference**

This document amends FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

#### **The Rule**

This amendment to 14 CFR part 71 modifies the Class E airspace, designated as a surface area, at Lake Tahoe Airport, South Lake Tahoe, CA. To properly contain IFR aircraft in the terminal environment, the radius of this airspace area should be increased from 4.3 miles to 5 miles.

This action also removes the Class E airspace designated as an extension to a Class D or Class E surface area. This airspace is no longer needed to contain IFR aircraft descending below 1,000 feet above the surface.

This action also modifies the Class E airspace extending upward from 700 feet above the surface. This airspace is designed to contain IFR departure to 1,200 feet above the surface and IFR arrivals descending below 1,500 feet above the surface. To properly contain aircraft conducting the LDA RWY 18 approach, the extension north of the airport is increased from 9.8 miles to 17.5 miles.

This action also implements two administrative updates to the Class E2's text header. On the second line of the text header, the airport name should be updated to "Lake Tahoe Airport", to

match the FAA database. On the third line of the text header, the airport's geographic coordinates should be updated to "lat. 38°53'38" N, long. 119°59'44" W", to match the FAA database.

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

#### **Regulatory Notices and Analyses**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial, and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### **Environmental Review**

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5-6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant the preparation of an environmental assessment.

#### **List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

#### **Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### **PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

**§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

*Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.*

\* \* \* \* \*

**AWP CA E2 South Lake Tahoe, CA [Amended]**

Lake Tahoe Airport, CA  
(Lat. 38°53'38" N, long. 119°59'43" W)

That airspace extending upward from the surface within a 5-mile radius of the airport.

*Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.*

\* \* \* \* \*

**AWP CA E4 South Lake Tahoe, CA [Removed]**

South Lake Tahoe Airport, CA  
(Lat. 38°53'38" N, long. 119°59'43" W)

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

**AWP CA E5 South Lake Tahoe, CA [Amended]**

Lake Tahoe Airport, CA  
(Lat. 38°53'38" N, long. 119°59'43" W)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Lake Tahoe Airport and within 1.9 miles each side of the 008° bearing from the airport extending from the 6-mile radius to 17.5 miles north of the airport.

Issued in Des Moines, Washington, on September 15, 2021.

**B.G. Chew,**

*Acting Group Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2021–20319 Filed 9–21–21; 8:45 am]

**BILLING CODE 4910–13–P**

Airport, East Hampton, NY, to assist aircraft landing and departing the airport when the air traffic control tower is closed. In addition, this action amends Class D airspace by replacing the outdated term Airport/Facility Directory with the term Chart Supplement in the airport description and amends the radius and ceiling as the FAA deemed the airspace adjustments were necessary. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

**DATES:** Effective 0901 UTC, December 2, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [https://www.faa.gov/air\\_traffic/publications/](https://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; Telephone (404) 305–6364.

**SUPPLEMENTARY INFORMATION:**

**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace and amends Class D airspace for East Hampton Airport, East

Hampton, NY, to support IFR operations in the area.

**History**

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 37941, July 19, 2021) for Docket No. FAA–2021–0170 to establish Class E surface airspace for East Hampton Airport, East Hampton, NY, to assist aircraft landing and departing the airport when the air traffic control tower is closed, and amend Class D airspace by replacing the outdated term Airport/Facility Directory with the term Chart Supplement in the airport description, and amend the radius and ceiling as the FAA deemed the airspace adjustments were necessary.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in Paragraphs 5000 and 6002, respectively, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

**Availability and Summary of Documents for Incorporation by Reference**

This document amends FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic routes, and reporting points.

**The Rule**

The FAA amends 14 CFR part 71 by establishing Class E surface airspace for East Hampton Airport, East Hampton, NY, providing the controlled airspace required to support aircraft landing and departing in IFR conditions at this airport. In addition, this action amends Class D airspace by decreasing the radius to 4.2 miles (from 4.8) and the ceiling to 2,000 feet MSL (from 2,500), and replacing the outdated term Airport/Facility Directory with the term Chart Supplement in the airport description. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

Order JO 7400.11, Airspace Designations and Reporting Points, is

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA–2021–0170; Airspace Docket No. 21–AEA–4]

**RIN 2120–AA66**

**Establishment of Class E Airspace, and Amendment of Class D Airspace; East Hampton, NY**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E surface airspace for East Hampton

published yearly and effective on September 15.

### Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is minimal. Since this is a routine matter that only affects air traffic procedures an air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

### PART 71 —DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

*Paragraph 5000 Class D Airspace.*  
\* \* \* \* \*

**AEA NY D East Hampton, NY [Amended]**  
East Hampton Airport, NY  
(Lat. 40°57′34″ N, long. 72°15′06″ W)

That airspace extending upward from the surface up to and including 2,000 feet MSL within a 4.2-mile radius of East Hampton Airport. This Class D airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

*Paragraph 6002 Class E Surface Airspace.*  
\* \* \* \* \*

**AEA NY E2 East Hampton, NY [New]**

East Hampton Airport, NY  
(Lat. 40°57′34″ N, long. 72°15′06″ W)

That airspace extending upward from the surface within a 4.2-mile radius of East Hampton Airport. This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Issued in College Park, Georgia, on September 15, 2021.

**Andree C. Davis,**

*Manager, Airspace & Procedures Team South, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2021–20354 Filed 9–21–21; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

#### 19 CFR Chapter I

#### Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Canada

**AGENCY:** Office of the Secretary, U.S. Department of Homeland Security; U.S. Customs and Border Protection, U.S. Department of Homeland Security.

**ACTION:** Notification of continuation of temporary travel restrictions.

**SUMMARY:** This document announces the decision of the Secretary of Homeland Security (Secretary) to continue to temporarily limit the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border. Such travel will be limited to “essential travel,” as further defined in this document.

**DATES:** These restrictions go into effect at 12 a.m. Eastern Daylight Time (EDT) on September 22, 2021 and will remain in effect until 11:59 p.m. EDT on

October 21, 2021, unless amended or rescinded prior to that time.

#### FOR FURTHER INFORMATION CONTACT:

Stephanie Watson, Office of Field Operations Coronavirus Coordination Cell, U.S. Customs and Border Protection (CBP) at 202–325–0840.

#### SUPPLEMENTARY INFORMATION:

#### Background

On March 24, 2020, DHS published notice of its decision to temporarily limit the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border to “essential travel,” as further defined in that document.<sup>1</sup> The document described the developing circumstances regarding the COVID–19 pandemic and stated that, given the outbreak and continued transmission and spread of the virus associated with COVID–19 within the United States and globally, DHS had determined that the risk of continued transmission and spread of the virus associated with COVID–19 between the United States and Canada posed a “specific threat to human life or national interests.” DHS later published a series of notifications continuing such limitations on travel until 11:59 p.m. EDT on September 21, 2021.<sup>2</sup>

DHS continues to monitor and respond to the COVID–19 pandemic. As of the week of September 5, 2021, there have been over 220 million confirmed cases globally, with over 4.5 million confirmed deaths.<sup>3</sup> There have been

<sup>1</sup> 85 FR 16548 (Mar. 24, 2020). That same day, DHS also published notice of its decision to temporarily limit the travel of individuals from Mexico into the United States at land ports of entry along the United States-Mexico border to “essential travel,” as further defined in that document. 85 FR 16547 (Mar. 24, 2020).

<sup>2</sup> See 86 FR 46964 (Aug. 23, 2021); 86 FR 38556 (July 22, 2021); 86 FR 32764 (June 23, 2021); 86 FR 27802 (May 24, 2021); 86 FR 21188 (Apr. 22, 2021); 86 FR 14812 (Mar. 19, 2021); 86 FR 10815 (Feb. 23, 2021); 86 FR 4969 (Jan. 19, 2021); 85 FR 83432 (Dec. 22, 2020); 85 FR 74603 (Nov. 23, 2020); 85 FR 67276 (Oct. 22, 2020); 85 FR 59670 (Sept. 23, 2020); 85 FR 51634 (Aug. 21, 2020); 85 FR 44185 (July 22, 2020); 85 FR 37744 (June 24, 2020); 85 FR 31050 (May 22, 2020); 85 FR 22352 (Apr. 22, 2020). DHS also published parallel notifications of its decisions to continue temporarily limiting the travel of individuals from Mexico into the United States at land ports of entry along the United States-Mexico border to “essential travel.” See 86 FR 46963 (Aug. 23, 2021); 86 FR 38554 (July 22, 2021); 86 FR 32766 (June 23, 2021); 86 FR 27800 (May 24, 2021); 86 FR 21189 (Apr. 22, 2021); 86 FR 14813 (Mar. 19, 2021); 86 FR 10816 (Feb. 23, 2021); 86 FR 4969 (Jan. 19, 2021); 85 FR 83433 (Dec. 22, 2020); 85 FR 74604 (Nov. 23, 2020); 85 FR 67275 (Oct. 22, 2020); 85 FR 59669 (Sept. 23, 2020); 85 FR 51633 (Aug. 21, 2020); 85 FR 44183 (July 22, 2020); 85 FR 37745 (June 24, 2020); 85 FR 31057 (May 22, 2020); 85 FR 22353 (Apr. 22, 2020).

<sup>3</sup> WHO, Coronavirus disease 2019 (COVID–19) Weekly Epidemiological Update (Sept. 7, 2021),

Continued

over 40.3 million confirmed and probable cases within the United States,<sup>4</sup> over 1.5 million confirmed cases in Canada,<sup>5</sup> and over 3.4 million confirmed cases in Mexico.<sup>6</sup>

DHS also notes that the Delta variant continues to drive an increase in cases, hospitalizations, and deaths in the United States.<sup>7</sup> Canada and Mexico are also seeing increased case counts and deaths.<sup>8</sup>

### Notice of Action

Given the outbreak and continued transmission and spread of COVID-19 within the United States and globally, the Secretary has determined that the risk of continued transmission and spread of the virus associated with COVID-19 between the United States and Canada poses an ongoing “specific threat to human life or national interests.”

In March 2020, U.S. and Canadian officials mutually determined that non-essential travel between the United States and Canada posed additional risk of transmission and spread of the virus associated with COVID-19 and placed the populace of both nations at increased risk of contracting the virus associated with COVID-19. Given the sustained human-to-human transmission of the virus, coupled with risks posed by new variants, non-essential travel to the United States places the personnel staffing land ports of entry between the United States and Canada, as well as the individuals traveling through these ports of entry, at increased risk of exposure to the virus associated with COVID-19. Accordingly, and consistent with the authority granted in 19 U.S.C.

1318(b)(1)(C) and (b)(2),<sup>9</sup> I have determined that land ports of entry along the U.S.-Canada border will continue to suspend normal operations and will only allow processing for entry into the United States of those travelers engaged in “essential travel,” as defined below. Given the definition of “essential travel” below, this temporary alteration in land ports of entry operations should not interrupt legitimate trade between the two nations or disrupt critical supply chains that ensure food, fuel, medicine, and other critical materials reach individuals on both sides of the border.

For purposes of the temporary alteration in certain designated ports of entry operations authorized under 19 U.S.C. 1318(b)(1)(C) and (b)(2), travel through the land ports of entry and ferry terminals along the United States-Canada border shall be limited to “essential travel,” which includes, but is not limited to—

- U.S. citizens and lawful permanent residents returning to the United States;
- Individuals traveling for medical purposes (e.g., to receive medical treatment in the United States);
- Individuals traveling to attend educational institutions;
- Individuals traveling to work in the United States (e.g., individuals working in the farming or agriculture industry who must travel between the United States and Canada in furtherance of such work);
- Individuals traveling for emergency response and public health purposes (e.g., government officials or emergency responders entering the United States to

support federal, state, local, tribal, or territorial government efforts to respond to COVID-19 or other emergencies);

- Individuals engaged in lawful cross-border trade (e.g., truck drivers supporting the movement of cargo between the United States and Canada);
- Individuals engaged in official government travel or diplomatic travel;
- Members of the U.S. Armed Forces, and the spouses and children of members of the U.S. Armed Forces, returning to the United States; and
- Individuals engaged in military-related travel or operations.

The following travel does not fall within the definition of “essential travel” for purposes of this Notification—

- Individuals traveling for tourism purposes (e.g., sightseeing, recreation, gambling, or attending cultural events).

At this time, this Notification does not apply to air, freight rail, or sea travel between the United States and Canada, but does apply to passenger rail, passenger ferry travel, and pleasure boat travel between the United States and Canada. These restrictions are temporary in nature and shall remain in effect until 11:59 p.m. EDT on October 21, 2021. This Notification may be amended or rescinded prior to that time, based on circumstances associated with the specific threat. In coordination with public health and medical experts, DHS continues working closely with its partners across the United States and internationally to determine how to safely and sustainably resume normal travel.

The Commissioner of U.S. Customs and Border Protection (CBP) is hereby directed to prepare and distribute appropriate guidance to CBP personnel on the continued implementation of the temporary measures set forth in this Notification. The CBP Commissioner may determine that other forms of travel, such as travel in furtherance of economic stability or social order, constitute “essential travel” under this Notification. Further, the CBP Commissioner may, on an individualized basis and for humanitarian reasons or for other purposes in the national interest, permit the processing of travelers to the United States not engaged in “essential travel.”

**Alejandro N. Mayorkas,**

*Secretary, U.S. Department of Homeland Security.*

[FR Doc. 2021-20343 Filed 9-21-21; 8:45 am]

**BILLING CODE 9112-FP-P**

available at <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/situation-reports> (accessed Sept. 9, 2021).

<sup>4</sup> CDC, COVID Data Tracker: United States COVID-19 Cases, Deaths, and Laboratory Testing (NAATs) by State, Territory, and Jurisdiction, <https://covid.cdc.gov/covid-data-tracker/#cases-casesper100klast7days> (accessed Sept. 9, 2021).

<sup>5</sup> WHO, Situation by Region, Country, Territory & Area, available at <https://covid19.who.int/table> (accessed Sept. 9, 2021).

<sup>6</sup> *Id.*

<sup>7</sup> See CDC, Delta Variant: What We Know About the Science, <https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html> (accessed Sept. 9, 2021).

<sup>8</sup> See Government of Canada, Coronavirus Disease (COVID-19) For Health Professionals, <https://health-infobase.canada.ca/covid-19/epidemiological-summary-covid-19-cases.html#VOC> (accessed Sept. 9, 2021). See Government of Mexico, Ministry of Health, COVID-19 National General Information, <https://datos.covid-19.conacyt.mx/#DOView> (accessed Aug. 16, 2021); Mexican Consortium of Genomic Surveillance (CoViGen-Mex), Reportes, <http://mexcov2.ibt.unam.mx:8080/COVID-TRACKER/> (accessed Sept. 9, 2021).

<sup>9</sup> 19 U.S.C. 1318(b)(1)(C) provides that “[n]otwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 *et seq.*) or to a specific threat to human life or national interests,” is authorized to “[t]ake any . . . action that may be necessary to respond directly to the national emergency or specific threat.” On March 1, 2003, certain functions of the Secretary of the Treasury were transferred to the Secretary of Homeland Security. See 6 U.S.C. 202(2), 203(1). Under 6 U.S.C. 212(a)(1), authorities “related to Customs revenue functions” were reserved to the Secretary of the Treasury. To the extent that any authority under section 1318(b)(1) was reserved to the Secretary of the Treasury, it has been delegated to the Secretary of Homeland Security. See Treas. Dep’t Order No. 100-16 (May 15, 2003), 68 FR 28322 (May 23, 2003). Additionally, 19 U.S.C. 1318(b)(2) provides that “[n]otwithstanding any other provision of law, the Commissioner of U.S. Customs and Border Protection, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.” Congress has vested in the Secretary of Homeland Security the “functions of all officers, employees, and organizational units of the Department,” including the Commissioner of CBP. 6 U.S.C. 112(a)(3).



**DEPARTMENT OF HOMELAND SECURITY****U.S. Customs and Border Protection****19 CFR Chapter I****Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Mexico**

**AGENCY:** Office of the Secretary, U.S. Department of Homeland Security; U.S. Customs and Border Protection, U.S. Department of Homeland Security.

**ACTION:** Notification of continuation of temporary travel restrictions.

**SUMMARY:** This document announces the decision of the Secretary of Homeland Security (Secretary) to continue to temporarily limit the travel of individuals from Mexico into the United States at land ports of entry along the United States-Mexico border. Such travel will be limited to “essential travel,” as further defined in this document.

**DATES:** These restrictions go into effect at 12 a.m. Eastern Daylight Time (EDT) on September 22, 2021 and will remain in effect until 11:59 p.m. EDT on October 21, 2021, unless amended or rescinded prior to that time.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Watson, Office of Field Operations Coronavirus Coordination Cell, U.S. Customs and Border Protection (CBP) at 202–325–0840.

**SUPPLEMENTARY INFORMATION:****Background**

On March 24, 2020, DHS published notice of its decision to temporarily limit the travel of individuals from Mexico into the United States at land ports of entry along the United States-Mexico border to “essential travel,” as further defined in that document.<sup>1</sup> The document described the developing circumstances regarding the COVID–19 pandemic and stated that, given the outbreak and continued transmission and spread of the virus associated with COVID–19 within the United States and globally, DHS had determined that the risk of continued transmission and spread of the virus associated with COVID–19 between the United States and Mexico posed a “specific threat to human life or national interests.” DHS

later published a series of notifications continuing such limitations on travel until 11:59 p.m. EDT on September 21, 2021.<sup>2</sup>

DHS continues to monitor and respond to the COVID–19 pandemic. As of the week of September 5, 2021, there have been over 220 million confirmed cases globally, with over 4.5 million confirmed deaths.<sup>3</sup> There have been over 40.3 million confirmed and probable cases within the United States,<sup>4</sup> over 1.5 million confirmed cases in Canada,<sup>5</sup> and over 3.4 million confirmed cases in Mexico.<sup>6</sup>

DHS also notes that the Delta variant continues to drive an increase in cases, hospitalizations, and deaths in the United States.<sup>7</sup> Canada and Mexico are also seeing increased case counts and deaths.<sup>8</sup>

<sup>2</sup> See 86 FR 46963 (Aug. 23, 2021); 86 FR 38554 (July 22, 2021); 86 FR 32766 (June 23, 2021); 86 FR 27800 (May 24, 2021); 86 FR 21189 (Apr. 22, 2021); 86 FR 14813 (Mar. 19, 2021); 86 FR 10816 (Feb. 23, 2021); 86 FR 4967 (Jan. 19, 2021); 85 FR 83433 (Dec. 22, 2020); 85 FR 74604 (Nov. 23, 2020); 85 FR 67275 (Oct. 22, 2020); 85 FR 59669 (Sept. 23, 2020); 85 FR 51633 (Aug. 21, 2020); 85 FR 44183 (July 22, 2020); 85 FR 37745 (June 24, 2020); 85 FR 31057 (May 22, 2020); 85 FR 22353 (Apr. 22, 2020). DHS also published parallel notifications of its decisions to continue temporarily limiting the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border to “essential travel.” See 86 FR 46964 (Aug. 23, 2021); 86 FR 38556 (July 22, 2021); 86 FR 32764 (June 23, 2021); 86 FR 27802 (May 24, 2021); 86 FR 21188 (Apr. 22, 2021); 86 FR 14812 (Mar. 19, 2021); 86 FR 10815 (Feb. 23, 2021); 86 FR 4969 (Jan. 19, 2021); 85 FR 83432 (Dec. 22, 2020); 85 FR 74603 (Nov. 23, 2020); 85 FR 67276 (Oct. 22, 2020); 85 FR 59670 (Sept. 23, 2020); 85 FR 51634 (Aug. 21, 2020); 85 FR 44185 (July 22, 2020); 85 FR 37744 (June 24, 2020); 85 FR 31050 (May 22, 2020); 85 FR 22352 (Apr. 22, 2020).

<sup>3</sup> WHO, Coronavirus disease 2019 (COVID–19) Weekly Epidemiological Update (Sept. 7, 2021), available at <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/situation-reports> (accessed Sept. 9, 2021).

<sup>4</sup> CDC, COVID Data Tracker: United States COVID–19 Cases, Deaths, and Laboratory Testing (NAATs) by State, Territory, and Jurisdiction, <https://covid.cdc.gov/covid-data-tracker/#cases-casesper100klast7days> (accessed Sept. 9, 2021).

<sup>5</sup> WHO, Situation by Region, Country, Territory & Area, available at <https://covid19.who.int/table> (accessed Sept. 9, 2021).

<sup>6</sup> Id.

<sup>7</sup> See CDC, Delta Variant: What We Know About the Science, <https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html> (accessed Sept. 9, 2021).

<sup>8</sup> See Government of Canada, Coronavirus Disease (COVID–19) For Health Professionals, <https://health-infobase.canada.ca/covid-19/epidemiological-summary-covid-19-cases.html#VOC> (accessed Sept. 9, 2021). See Government of Mexico, Ministry of Health, COVID–19 National General Information, <https://datos.covid-19.conacyt.mx/#DOView> (accessed Sept. 9, 2021); Mexican Consortium of Genomic Surveillance (CoViGen-Mex), Reportes, <http://mexcov2.ibt.unam.mx:8080/COVID-TRACKER/> (accessed Sept. 9, 2021).

**Notice of Action**

Given the outbreak and continued transmission and spread of COVID–19 within the United States and globally, the Secretary has determined that the risk of continued transmission and spread of the virus associated with COVID–19 between the United States and Mexico poses an ongoing “specific threat to human life or national interests.”

In March 2020, U.S. and Mexican officials mutually determined that non-essential travel between the United States and Mexico posed additional risk of transmission and spread of the virus associated with COVID–19 and placed the populace of both nations at increased risk of contracting the virus associated with COVID–19. Given the sustained human-to-human transmission of the virus, coupled with risks posed by new variants, non-essential travel to the United States places the personnel staffing land ports of entry between the United States and Mexico, as well as the individuals traveling through these ports of entry, at increased risk of exposure to the virus associated with COVID–19.

Accordingly, and consistent with the authority granted in 19 U.S.C. 1318(b)(1)(C) and (b)(2),<sup>9</sup> I have determined that land ports of entry along the U.S.-Mexico border will continue to suspend normal operations and will only allow processing for entry into the United States of those travelers engaged in “essential travel,” as defined below. Given the definition of “essential travel” below, this temporary alteration in land ports of entry operations should

<sup>9</sup> 19 U.S.C. 1318(b)(1)(C) provides that “[n]otwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 *et seq.*) or to a specific threat to human life or national interests,” is authorized to “[t]ake any . . . action that may be necessary to respond directly to the national emergency or specific threat.” On March 1, 2003, certain functions of the Secretary of the Treasury were transferred to the Secretary of Homeland Security. See 6 U.S.C. 202(2), 203(1). Under 6 U.S.C. 212(a)(1), authorities “related to Customs revenue functions” were reserved to the Secretary of the Treasury. To the extent that any authority under section 1318(b)(1) was reserved to the Secretary of the Treasury, it has been delegated to the Secretary of Homeland Security. See Treas. Dep’t Order No. 100–16 (May 15, 2003), 68 FR 28322 (May 23, 2003). Additionally, 19 U.S.C. 1318(b)(2) provides that “[n]otwithstanding any other provision of law, the Commissioner of U.S. Customs and Border Protection, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.” Congress has vested in the Secretary of Homeland Security the “functions of all officers, employees, and organizational units of the Department,” including the Commissioner of CBP. 6 U.S.C. 112(a)(3).

<sup>1</sup> 85 FR 16547 (Mar. 24, 2020). That same day, DHS also published notice of its decision to temporarily limit the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border to “essential travel,” as further defined in that document. 85 FR 16548 (Mar. 24, 2020).



not interrupt legitimate trade between the two nations or disrupt critical supply chains that ensure food, fuel, medicine, and other critical materials reach individuals on both sides of the border.

For purposes of the temporary alteration in certain designated ports of entry operations authorized under 19 U.S.C. 1318(b)(1)(C) and (b)(2), travel through the land ports of entry and ferry terminals along the United States-Mexico border shall be limited to “essential travel,” which includes, but is not limited to—

- U.S. citizens and lawful permanent residents returning to the United States;
- Individuals traveling for medical purposes (e.g., to receive medical treatment in the United States);
- Individuals traveling to attend educational institutions;
- Individuals traveling to work in the United States (e.g., individuals working in the farming or agriculture industry who must travel between the United States and Mexico in furtherance of such work);
- Individuals traveling for emergency response and public health purposes (e.g., government officials or emergency responders entering the United States to support federal, state, local, tribal, or territorial government efforts to respond to COVID-19 or other emergencies);
- Individuals engaged in lawful cross-border trade (e.g., truck drivers supporting the movement of cargo between the United States and Mexico);
- Individuals engaged in official government travel or diplomatic travel;
- Members of the U.S. Armed Forces, and the spouses and children of members of the U.S. Armed Forces, returning to the United States; and
- Individuals engaged in military-related travel or operations.

The following travel does not fall within the definition of “essential travel” for purposes of this Notification—

- Individuals traveling for tourism purposes (e.g., sightseeing, recreation, gambling, or attending cultural events).

At this time, this Notification does not apply to air, freight rail, or sea travel between the United States and Mexico, but does apply to passenger rail, passenger ferry travel, and pleasure boat travel between the United States and Mexico. These restrictions are temporary in nature and shall remain in effect until 11:59 p.m. EDT on October 21, 2021. This Notification may be amended or rescinded prior to that time, based on circumstances associated with the specific threat. In coordination with public health and medical experts, DHS continues working closely with its

partners across the United States and internationally to determine how to safely and sustainably resume normal travel.

The Commissioner of U.S. Customs and Border Protection (CBP) is hereby directed to prepare and distribute appropriate guidance to CBP personnel on the continued implementation of the temporary measures set forth in this Notification. The CBP Commissioner may determine that other forms of travel, such as travel in furtherance of economic stability or social order, constitute “essential travel” under this Notification. Further, the CBP Commissioner may, on an individualized basis and for humanitarian reasons or for other purposes in the national interest, permit the processing of travelers to the United States not engaged in “essential travel.”

**Alejandro N. Mayorkas,**

*Secretary, U.S. Department of Homeland Security.*

[FR Doc. 2021–20344 Filed 9–21–21; 8:45 am]

**BILLING CODE 9112–FP–P**

## **DEPARTMENT OF THE TREASURY**

### **Internal Revenue Service**

#### **26 CFR Part 1**

**[TD 9954]**

**RIN 1545–BN80**

#### **Treatment of Distributions of Property From a Corporation to a Shareholder**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Final regulations.

**SUMMARY:** This document contains final regulations under section 301 of the Internal Revenue Code of 1986 (Code). These regulations update existing regulations under section 301 to reflect statutory changes made by the Technical and Miscellaneous Revenue Act of 1988, which changes provide that the amount of a distribution of property made by a corporation to its shareholder is the fair market value of the distributed property. The regulations affect shareholders that receive a distribution of property from a corporation.

#### **DATES:**

*Effective date:* These regulations are effective on September 22, 2021.

*Applicability date:* For dates of applicability, see § 1.301–1(f)(3), (m)(4), and (n).

**FOR FURTHER INFORMATION CONTACT:** Grid R. Glycer, (202) 317–6847 (not a toll-free number).

## **SUPPLEMENTARY INFORMATION:**

### **Background and Explanation of Provisions**

This document contains amendments to 26 CFR part 1 under section 301 of the Code relating to the treatment of distributions of property from a corporation to a shareholder. Section 301 provides rules for the treatment of a distribution of property, including money, made by a corporation to its shareholder with respect to that shareholder's stock ownership in that corporation (distribution).

Section 1006(e)(10) and (e)(11) of the Technical and Miscellaneous Revenue Act of 1988, Public Law 100–647, 102 Stat. 3342 (1988) (Act), amended section 301(b)(1) and (d), respectively (such amendments, the 1988 Amendments). Section 1019(a) of the Act provided that, in general, the 1988 Amendments were effective as if included in the Tax Reform Act of 1986, Public Law 99–514, 100 Stat. 2085 (1986). Accordingly, the 1988 Amendments generally are effective for taxable years beginning after December 31, 1986.

As a result of the 1988 Amendments, section 301(b)(1) provides that, for purposes of section 301, the amount of any distribution is the amount of money received plus the fair market value of the other property received. Section 301(d) provides that the basis of property received in a distribution to which section 301(a) applies is the fair market value of such property.

The current regulations issued under section 301 reflect the rules of sections 301(b)(1) and 301(d) as they existed prior to the 1988 Amendments. Accordingly, to the extent preempted by statute, the current regulations have no application.

A notice of proposed rulemaking (REG–121694–16) published in the **Federal Register** on March 26, 2019 (84 FR 11263) proposed to amend § 1.301–1 to reflect the 1988 Amendments (2019 proposed regulations). The scope of the 2019 proposed regulations was limited to (1) deleting provisions made obsolete by statutory changes, (2) making minor additions and revisions to reflect current statutory text, and (3) making certain non-substantive changes for purposes of clarity and readability, including reordering and redesignating paragraphs. The 2019 proposed regulations also amended cross-references in §§ 1.356–1(f), 1.368–2(m)(3)(iii), 1.902–1(a)(12), and 1.902–3(a)(7) to reflect the proposed reordering and redesignating of paragraphs in § 1.301–1. For further discussion of the changes proposed to be made to § 1.301–1 by the 2019 proposed

regulations, see the Explanation of Provisions section in the preamble to the 2019 proposed regulations at 84 FR 11264.

The Department of the Treasury (Treasury Department) and the IRS received no comments on the 2019 proposed regulations, and no public hearing was requested or held. This document adopts the 2019 proposed regulations as final regulations with no substantive changes and with certain non-substantive changes for purposes of clarity and readability.

### Applicability Date

The final regulations apply to distributions made after September 22, 2021. However, these regulations update the previous regulations under section 301 to reflect statutory changes made by the 1988 Amendments, which apply to distributions made in taxable years beginning after December 31, 1986.

### Special Analyses

This regulation is not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (April 11, 2018) between the Treasury Department and the Office of Management and Budget regarding review of tax regulations.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. chapter 6), it is hereby certified that these final regulations will not have a significant economic impact on a substantial number of small entities within the meaning of section 601(6) of the Regulatory Flexibility Act. The Treasury Department and the IRS have determined that no additional burden will be associated with these final regulations. Therefore, a regulatory flexibility analysis is not required. Accordingly, the Secretary's delegate certifies that these regulations will not have a significant economic impact on a substantial number of small entities.

Pursuant to section 7805(f), the notice of proposed rulemaking preceding this regulation has been submitted to the Chief Counsel for the Office of Advocacy of the Small Business Administration for comment on its impact on small business. No comments were received from the Chief Counsel for the Office of Advocacy of the Small Business Administration.

### Drafting Information

The principal author of these regulations is Grid R. Glycer of the Office of Associate Chief Counsel (Corporate). Other personnel from the Treasury Department and the IRS participated in developing these regulations.

### List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

### Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

### PART 1—INCOME TAX REGULATIONS

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*

■ **Par. 2.** Section 1.301–1 is revised to read as follows:

#### § 1.301–1 Rules applicable with respect to distributions of money and other property.

(a) *General.* Section 301 provides the general rule for the treatment of distributions made in taxable years beginning after December 31, 1986, of property by a corporation to a shareholder with respect to its stock. The term *property* is defined in section 317(a). Except as otherwise provided in chapter 1 of the Internal Revenue Code (Code), such distributions are treated as provided in section 301(c). Under section 301(c), distributions may be included in gross income to the extent the amount distributed is considered a dividend under section 316, applied against and reduces the adjusted basis of the stock, treated as gain from the sale or exchange of property, or exempt from Federal income tax in the case of certain distributions out of increase in value accrued before March 1, 1913. The amount of a distribution to which section 301 applies is determined in accordance with the provisions of section 301(b). The basis of property received in a distribution to which section 301 applies is the fair market value of the property, as provided in section 301(d).

(b) *Amount of distribution and determination of fair market value.* The amount of a distribution to which section 301 applies is the amount of money received in the distribution, plus the fair market value of other property received in the distribution. The fair market value of any property distributed is determined as of the date of the distribution.

(c) *Time of inclusion in gross income and time of determination of fair market value.* A distribution made by a corporation to its shareholders is included in the gross income of the distributees when the cash or other property is unqualifiedly made subject to their demands, without regard to whether such date is the same as that on

which the corporation made the distribution. For example, if a corporation distributes a taxable dividend in property on December 30, 2021, that is received by, or unqualifiedly made subject to the demands of, its shareholders on January 3, 2022, the amount to be included in the gross income of the shareholders will be the fair market value of such property on December 30, 2021, determined under paragraph (b) of this section, although such amount will not be includible in the gross income of the shareholders until January 3, 2022.

(d) *Application of section to shareholders.* Section 301 is not applicable to an amount paid by a corporation to a shareholder unless the amount is paid to the shareholder in the shareholder's capacity as such.

(e) *Example.* Corporation M, formed in 1998, has never been an acquiring corporation in a transaction to which section 381(a) applies. On January 1, 2021, A, an individual, owned all of the stock of Corporation M, consisting of a single share with an adjusted basis of \$2,000. During 2021, A received distributions from Corporation M totaling \$30,000, consisting of \$10,000 in cash and listed securities having a basis in the hands of Corporation M and a fair market value on the date distributed of \$20,000. Corporation M's taxable year is the calendar year. As of December 31, 2020, Corporation M had accumulated earnings and profits in the amount of \$26,000, and it had no earnings and profits and no deficit for 2021. Of the \$30,000 received by A, \$26,000 is treated as an ordinary dividend; of the remaining \$4,000, \$2,000 is applied against and reduces the adjusted basis of A's stock under section 301(c)(2), and the \$2,000 in excess of the adjusted basis of A's stock is treated as gain from the sale or exchange of property under section 301(c)(3)(A). If A immediately sells the stock in Corporation M, the basis for determining gain or loss on the sale will be zero.

(f) *Reduction for liabilities*—(1) *General rule.* For purposes of section 301(b)(2), no reduction in the amount of a distribution is made for the amount of any liability, except to the extent the liability is assumed by the shareholder within the meaning of section 357(d).

(2) *No reduction below zero.* Any reduction pursuant to paragraph (f)(1) of this section does not cause the amount of the distribution to be reduced below zero.

(3) *Applicability dates*—(i) *In general.* This paragraph (f) applies to distributions occurring after January 4, 2001.

(ii) *Retroactive application.* For distributions made on or before January 4, 2001, see § 1.301–1(g) as contained in 26 CFR part 1 revised April 1, 2021.

(g) *Basis.* The basis of property received in a distribution to which section 301 applies is the fair market value of such property. See paragraph (b) of this section.

(h) *Transfers for less than fair market value.* If property is transferred by a corporation to a shareholder for an amount less than its fair market value in a sale or exchange, such shareholder is treated as having received a distribution to which section 301 applies. In such case, the amount of the distribution is the excess of the fair market value of the property over the amount paid for such property at the time of the transfer. For example, on January 3, 2021, A, a shareholder of Corporation X, purchased property from X for \$20 when the fair market value of such property was \$100. The amount of the distribution to A determined under section 301(b) is \$80.

(i) [Reserved]

(j) *Transactions treated as distributions.* A distribution to shareholders with respect to their stock is within the terms of section 301, although it takes place at the same time as another transaction, if the distribution is in substance a separate transaction (whether or not connected in a formal sense). This situation is most likely to occur in the case of a recapitalization, a reincorporation, or a merger of a corporation with a newly organized corporation having substantially no property. For example, if a corporation having only common stock outstanding exchanges one share of newly issued common stock and one bond with a principal amount of \$10 for each share of outstanding common stock, the distribution of the bond will be a distribution of property (to the extent of its fair market value) to which section 301 applies, even though the exchange of common stock for common stock may be pursuant to a plan of reorganization under the terms of section 368(a)(1)(E) (recapitalization) and may result in the shareholder not recognizing any gain or loss on the exchange by reason of section 354.

(k) *Cancellation of indebtedness.* The cancellation of indebtedness of a shareholder by a corporation is treated as a distribution of property.

(l) *Cross-references.* For certain rules relating to adjustments to earnings and profits and for determining the extent to which a distribution is a dividend, see sections 312 and 316 of the Code and the regulations in this part under sections 312 and 316.

(m) *Split-dollar and other life insurance arrangements—(1) Split-dollar life insurance arrangements—(i) Distribution of economic benefits.* The provision by a corporation to its shareholder pursuant to a split-dollar life insurance arrangement, as defined in § 1.61–22(b)(1) or (2), of economic benefits described in § 1.61–22(d), or of amounts described in § 1.61–22(e), is treated as a distribution of property, the amount of which is determined under § 1.61–22(d) and (e), respectively.

(ii) *Distribution of entire contract or undivided interest therein.* A transfer (within the meaning of § 1.61–22(c)(3)) of the ownership of a life insurance contract (or an undivided interest therein) that is part of a split-dollar life insurance arrangement is a distribution of property, the amount of which is determined pursuant to § 1.61–22(g)(1) and (2).

(2) *Other life insurance arrangements.* A payment by a corporation on behalf of a shareholder of premiums on a life insurance contract or an undivided interest therein that is owned by the shareholder constitutes a distribution of property, even if such payment is not part of a split-dollar life insurance arrangement under § 1.61–22(b).

(3) *When distribution is made—(i) In general.* Except as provided in paragraph (m)(3)(ii) of this section, paragraph (c) of this section applies to determine when a distribution described in paragraph (m)(1) or (2) of this section is taken into account by a shareholder.

(ii) *Exception.* Notwithstanding paragraph (c) of this section, a distribution described in paragraph (m)(1)(ii) of this section is treated as made by a corporation to its shareholder at the time that the life insurance contract, or an undivided interest therein, is transferred (within the meaning of § 1.61–22(c)(3)) to the shareholder.

(4) *Applicability date—(i) General rule.* This paragraph (m) applies to split-dollar and other life insurance arrangements entered into after September 17, 2003. For purposes of this paragraph (m)(4), a split-dollar life insurance arrangement is entered into as determined under § 1.61–22(j)(1)(ii).

(ii) *Modified arrangements treated as new arrangements.* If a split-dollar life insurance arrangement entered into on or before September 17, 2003, is materially modified (within the meaning of § 1.61–22(j)(2)) after September 17, 2003, the arrangement is treated as a new arrangement entered into on the date of the modification.

(n) *Applicability date.* Paragraphs (a) through (c), (e), (g), and (h) of this

section apply to distributions under section 301 made after September 22, 2021.

■ **Par. 3.** Section 1.356–1 is amended by revising paragraph (f) to read as follows:

**§ 1.356–1 Receipt of additional consideration in connection with an exchange.**

(f) See § 1.301–1(j) for certain transactions that are not within the scope of section 356.

■ **Par. 4.** Section 1.368–2 is amended by revising the last sentence of paragraph (m)(3)(iii) to read as follows:

**§ 1.368–2 Definition of terms.**

(m) \* \* \*  
(3) \* \* \*  
(iii) \* \* \* See § 1.301–1(j).

**§ 1.902–1 [Amended]**

■ **Par. 5.** In § 1.902–1(a)(12), remove the language “§ 1.301–1(b)” and add in its place “§ 1.301–1(c)”.

**§ 1.902–3 [Amended]**

■ **Par. 6.** In § 1.902–3(a)(7), remove the language “§ 1.301–1(b)” and add in its place “§ 1.301–1(c)”.

**Douglas W. O'Donnell,**

*Deputy Commissioner for Services and Enforcement.*

Approved: August 18, 2021.

**Mark J. Mazur,**

*Acting Assistant Secretary of the Treasury (Tax Policy).*

[FR Doc. 2021–19980 Filed 9–21–21; 8:45 am]

BILLING CODE 4830–01–P

**DEPARTMENT OF VETERANS AFFAIRS**

**38 CFR Part 71**

**RIN 2900–AR28**

**Extension of Program of Comprehensive Assistance for Family Caregivers Eligibility for Legacy Participants and Legacy Applicants**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Interim final rule.

**SUMMARY:** The Department of Veterans Affairs (VA) is revising its regulations that govern VA's Program of Comprehensive Assistance for Family Caregivers (PCAFC) by extending eligibility for legacy participants, legacy applicants, and their Family Caregivers and the applicable benefits afforded to Family Caregivers, to include the

monthly stipend, by one year. This change will provide VA with an additional year to complete reassessments of legacy participants, legacy applicants, and their Family Caregivers. This change will also ensure that legacy participants, legacy applicants, and their Family Caregivers are treated equitably.

**DATES:**

*Effective date:* This interim final rule is effective September 22, 2021.

*Comment date:* Comments must be received on or before November 22, 2021.

**ADDRESSES:** Comments must be submitted through [www.Regulations.gov](http://www.Regulations.gov). Comments received will be available at [regulations.gov](http://regulations.gov) for public viewing, inspection or copies.

**FOR FURTHER INFORMATION CONTACT:**

Colleen Richardson, PsyD, Executive Director, Caregiver Support Program, Patient Care Services, Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Ave. NW, Washington, DC 20420, (202) 461-7337. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:**

**Background**

In 2010, Congress established section 1720G of title 38 of the United States Code (U.S.C.). Caregivers and Veterans Omnibus Health Services Act of 2010, Public Law (Pub. L.) 111-163, 124 Stat. 1130 (2010). Section 1720G required VA, in part, to establish a Program of Comprehensive Assistance for Family Caregivers (PCAFC) for Family Caregivers of eligible veterans who have a serious injury incurred or aggravated in the line of duty in the active military, naval, or air service on or after September 11, 2001. VA implemented PCAFC through its regulations in part 71 of title 38, Code of Federal Regulations (CFR). PCAFC provides certain benefits such as training, respite care, counseling, technical support, beneficiary travel (to attend required caregiver training and for an eligible veteran's medical appointments), access to health care (if qualified) through the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA), and a monthly stipend. 38 U.S.C. 1720G; 38 CFR 71.40.

In 2018, section 161 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (VA MISSION Act of 2018), Public Law 115-182, 132 Stat. 1393 (2018), amended 38 U.S.C. 1720G by expanding PCAFC to Family Caregivers of eligible

veterans who incurred or aggravated a serious injury in the line of duty before September 11, 2001 in a phased approach, establishing new benefits for designated Primary Family Caregivers of eligible veterans, and making other changes affecting program eligibility and VA's evaluation of PCAFC applications. To incorporate these and other necessary changes to improve and expand VA's PCAFC, VA amended 38 CFR part 71. 85 **Federal Register** (FR) 46226 (July 31, 2020). These changes took effect on October 1, 2020. *Id.* As part of that rulemaking, VA revised the eligibility criteria for PCAFC in § 71.20.

VA recognized that there were individuals whose applications had already been received by VA and were in the process of being evaluated under the pre-October 1, 2020 criteria and who would be approved for PCAFC on or after October 1, 2020, as well as individuals who were already participating in PCAFC before October 1, 2020. *Id.* VA classified these individuals as legacy applicants and legacy participants, respectively. 38 CFR 71.15. A legacy applicant is a veteran or servicemember who submits a joint application for PCAFC that was received by VA before October 1, 2020 and for whom a Family Caregiver(s) was approved and designated on or after October 1, 2020, subject to certain criteria. *Id.* A legacy participant is an eligible veteran whose Family Caregiver(s) was approved and designated by VA under 38 CFR part 71 as of September 30, 2020 so long as the Primary Family Caregiver (as applicable) continues to be approved and designated as such. *Id.*

In § 71.30, VA set forth requirements for reassessment to determine whether legacy applicants, legacy participants, and their Family Caregivers would continue to be eligible for PCAFC. Paragraph (e)(1) states that if the eligible veteran is a legacy participant or a legacy applicant, that eligible veteran and their Family Caregiver(s) will be reassessed by VA during the one-year period beginning on October 1, 2020 to determine whether the legacy participant or legacy applicant meets the new eligibility requirements in § 71.20(a). VA acknowledged that it would need to reassess legacy applicants, legacy participants, and their Family Caregivers to determine their continued eligibility for PCAFC, and believed one year from the effective date of the final rule would be necessary and appropriate to ensure these reassessments were completed. 85 FR at 46253.

VA foresaw possible impacts of the new regulation on the legacy cohort. For

instance, there was the possibility that a legacy applicant or legacy participant would no longer be eligible for PCAFC under the criteria in § 71.20(a). In addition, there was the possibility that the legacy applicant or legacy participant would be determined eligible for PCAFC, but the Primary Family Caregiver would be eligible for a stipend amount that was less than they were receiving under the previous regulations. Because of these potential impacts, VA allowed for an extension of eligibility under the pre-October 1, 2020 criteria for a one-year transition period under § 71.20(b) and (c) for legacy participants, legacy applicants, and their Family Caregivers. During this transition period, legacy participants, legacy applicants, and their Family Caregivers would continue to be eligible to receive benefits under PCAFC and would not have the amount of their monthly stipend reduced (except as the result of the eligible veteran moving to a new address).

In § 71.40(c)(4), VA set forth requirements for determining monthly stipend amounts for Primary Family Caregivers. This paragraph explains how the stipend is calculated for Primary Family Caregivers of legacy participants and legacy applicants during the one-year transition period.

As explained in the proposed rule, VA believed that a one-year transition period was reasonable. It would allow individuals who are participating in PCAFC as of September 30, 2020, the day before the effective date of the rule, to remain eligible for the program and not experience a stipend amount decrease (except as specified) while VA completes a reassessment to determine eligibility under the new criteria—regardless of when such reassessment occurred during the one-year period. This was important because it would be inequitable for similarly situated veterans and their Family Caregivers to be disadvantaged based solely on when VA conducted their reassessment. In addition, this one-year period would minimize disruption to these individuals by allowing for a period to plan and adjust to the possibility of a legacy applicant or legacy participant being determined no longer eligible or eligible such that the monthly stipend would be a lesser amount. We believed this to be fair, reasonable, and an appropriate use of taxpayer dollars. 85 FR 13356 (March 6, 2020); 85 FR 46226 (July 31, 2020).

For the reasons explained below, we are extending the one-year transition period and timeline for VA to complete reassessments of legacy applicants, legacy participants, and their Family

Caregivers for one additional year. Legacy applicants, legacy participants, and their Family Caregivers will remain eligible for PCAFC in accordance with revised § 71.20(b) and (c) and will continue to receive benefits in accordance with revised § 71.40 for the additional one-year period. Accordingly, we are amending §§ 71.20(b) and (c) regarding program eligibility, § 71.30(e) regarding reassessments, and §§ 71.40(c)(4)(i)(B) through (D), (c)(4)(ii)(C)(2)(i) and (ii), and the note to (c)(4)(ii)(C)(2) regarding the stipend methodology, to account for the additional one-year period through September 30, 2022.

### Discussion

When the prior rulemaking became effective on October 1, 2020, VA intended to complete reassessments for all legacy participants, legacy applicants, and their Family Caregivers within a one-year period to determine their eligibility under new § 71.20(a); however, this is no longer achievable. For the reasons explained below, VA is unable to conduct all necessary reassessments of legacy applicants, legacy participants, and their Family Caregivers within the one-year period. It is therefore necessary to extend PCAFC eligibility of legacy applicants, legacy participants, and their Family Caregivers under §§ 71.20(b) and (c) and their applicable benefits, including the monthly stipend calculation under § 71.40(c)(4), for an additional one-year period through September 30, 2022.

The VA MISSION Act of 2018 expanded eligibility for PCAFC to Family Caregivers of eligible veterans who incurred or aggravated a serious injury in the line of duty before September 11, 2001 in a phased approach. The first phase, which became effective on October 1, 2020, expanded PCAFC eligibility to include eligible veterans who incurred or aggravated a serious injury in the line of duty on or before May 7, 1975. Since the onset of this first phase of expansion, VA has seen a dramatic increase in new applications for PCAFC. This increase is significantly higher than VA anticipated.

We acknowledge that anticipating the number of applications that may be received is subject to significant variability and subjectivity. An individual need not be eligible to apply for PCAFC; there is no restriction on who may choose to apply. However, VA estimated that it would receive 76,635 applications in FY 2021, and as of July 1, 2021, VA has received approximately 90,500 applications. The number of applications received so far exceeds the

total number of applications PCAFC received in any previous year and exceeds VA's projections for the entire FY 2021. For reference, in FY 2020, VA received approximately 22,900 applications, with an average of 1,900 applications per month. Between October 1, 2020 and July 1, 2021, VA has received an average of approximately 10,000 applications per month. We note that, of the approximately 90,500 applications VA received between October 1, 2020 and July 1, 2021, approximately 11 percent of these veteran applicants were born in 1983 or later, demonstrating that new applicants are not only from those veterans who have been waiting for expansion to begin, but also from veterans who may have incurred or aggravated a serious injury in the line of duty on or after September 11, 2001, and are newly interested in the Program.

As part of planning for PCAFC expansion, a staffing model was developed to guide and inform staffing decisions to augment resources available to administer, monitor, and oversee PCAFC. In particular, this action was necessary to prepare for the anticipated increased workload associated with expanding PCAFC, to include application processing, completion of wellness contacts, completion of reassessments, and supporting delivery of clinical care. The first phase of the staffing augmentation called for an additional 680 field based and Veteran Integrated Service Network (VISN) level staff to support administration and delivery of caregiver support programming. The second phase of staffing augmentation began in August 2020 and sought to add over 750 additional field-based front-line staff. As of July 2021, over 90 percent of staff had been hired.

Despite these staffing augmentations, given the significantly larger volume of applications than was anticipated, VA focused its resources on processing new applications versus reassessing eligibility of legacy applicants, legacy participants and their Family Caregivers. As a result, as of July 1, 2021, VA has only completed 4 percent of the estimated 19,800 reassessment needed for the legacy cohort. VA will be unable to complete reassessments of each legacy applicant, legacy participant, and their Family Caregiver(s) within the one-year period provided in § 71.30(e).

While VA received higher than anticipated applications, it is important to note that educating and training new staff as well as educating and training existing staff on the program changes has continued, culminating in more

streamlined processes, implementation of best practices, and increased efficiencies. As a result of these efforts, VA has significantly increased the rate in which applications are being adjudicated. During the first quarter of FY 2021, VA adjudicated an average of 4,075 applications per month. In comparison, during the third quarter of FY 2021, VA adjudicated an average of 10,663 applications per month—an increase of 162 percent in adjudications made. While VA's rate of application adjudication has been increasing, there has been a corresponding decrease in the number of new PCAFC applications being received. The average number of applications received each month in the third quarter of FY 2021 was approximately 7,300 compared to an average of approximately 11,600 each month during the first quarter—a decrease of approximately 59 percent in the average number of new applications received each month (during third quarter compared to first quarter). As noted above, VA's rate of adjudicating applications has increased with the passage of time during FY 2021. With the rate of new application submissions decreasing and adjudications of such new applications increasing, VA has been able to devote more resources to reassessments of legacy participants, legacy applicants, and their Family Caregivers. With these continued efforts, VA believes that reassessments of legacy participants, legacy applicants, and their Family Caregivers will be able to be completed with the extension of an additional one-year period.

Extending the eligibility period of legacy participants, legacy applicants, and their Family Caregivers from a one-year period to a two-year period from October 1, 2020 will ensure that all legacy participants, legacy applicants, and their Family Caregivers have the same transition period and the same effective date for any termination or reduction in benefits, regardless of when VA conducts the reassessment during the two-year period. Without this extension, legacy applicants, legacy participants, and their Family Caregivers who are reassessed and found to be no longer eligible for PCAFC under § 71.20(a) or who have their stipend reduced under § 71.40(c)(4) would be impacted at different times, resulting in unequal treatment in the provision of PCAFC benefits. As noted above, VA has already begun conducting some reassessments. If those individuals were determined through a reassessment completed before October 1, 2021, to be no longer eligible for PCAFC or to be eligible but the Primary

Family Caregiver would receive a lesser stipend amount, an advanced notice would be issued to the legacy applicants, legacy participants, and their Family Caregivers on October 1, 2021 (at the conclusion of the one-year period) and the change would take effect not less than 60 days following this notification. For those determined to no longer be eligible, benefits would be extended for an additional 90 days after the date of discharge. Individuals who VA is unable to reassess prior to October 1, 2021 and who are ultimately determined not eligible or eligible but with a lesser stipend amount would continue to receive benefits in effect prior to October 1, 2020 for longer than those reassessed prior to October 1, 2021 for no reason other than when VA conducted their reassessment.

When VA established the initial one-year transition period for legacy participants, legacy applicants, and their Family Caregivers, it was intended to provide a reasonable amount of time for VA to conduct reassessments, minimize disruption to those individuals, and provide a fair and reasonable time for transition. 85 FR at 46253. VA intended that all legacy applicants, legacy participants, and their Family Caregivers would have the same transition period, regardless of when the reassessment is completed during the one-year transition period. *Id.* This transition period was intended to ensure equitable treatment for all legacy applicants, legacy participants, and their Family Caregivers. *Id.* Extending the transition period for an additional year beyond the one-year period beginning October 1, 2020 for all legacy participants, legacy applicants, and their Family Caregivers will continue to ensure equitable treatment among this cohort.

#### Changes to 38 CFR Part 71

For the reasons explained above, VA amends its regulations codified in § 71.20 regarding program eligibility, § 71.30 regarding reassessments, and § 71.40 regarding caregiver benefits, to extend the transition period for legacy applicants, legacy participants, and their Family Caregivers from one year to two years (that is, until October 1, 2022) and to extend the time period for reassessments of such individuals from one year to two years (that is, until October 1, 2022).

VA amends § 71.20 by removing the words “one year” in §§ 71.20(b) and (c), and adding, in their place, the words “two years”.

VA amends § 71.30 by removing the words “one-year” in paragraphs (e)(1)

and (2) and adding, in their place, the words “two-year”.

VA also amends § 71.40 by removing the words “one year” in paragraphs (c)(4)(i)(B) through (D) and adding, in their place, the words “two years”. VA similarly amends paragraph (c)(4)(ii)(C)(2)(i) by removing the words “one-year” and adding, in their place, the words “two-year”. Lastly, VA amends paragraph (c)(4)(ii)(C)(2)(ii) and the note to paragraph (c)(4)(ii)(C)(2) by removing the words “the date that is one year after October 1, 2020”, and adding, in their place, the words “October 1, 2022”.

#### Administrative Procedure Act

The Secretary of Veterans Affairs finds that there is good cause under the provisions of 5 U.S.C. 553(b)(B) to waive prior notice and an opportunity for public comment and publish this rule, as notice and comment would be contrary to public interest. VA is issuing this rule to extend the time to complete reassessments for legacy applicants, legacy participants, and their Family Caregivers for an additional year, through September 30, 2022, and to similarly extend the transition period. As discussed earlier, VA will not be able to complete the required reassessments of this legacy cohort by October 1, 2021.

Absent regulatory action, effective October 1, 2021 the reassessment period of legacy applicants, legacy participants, and their Family Caregivers sunsets. This would leave legacy applicants, legacy participants, and their Family Caregivers in a state of uncertainty about their status and eligibility for benefits moving forward. Extending the reassessment period in advance of October 1, 2021 will provide clarity to the legacy applicants, legacy participants, and their Family Caregivers about the duration of their current benefits and about next steps. Additionally, if the date to complete the reassessments and the period of transition is not extended, legacy applicants, legacy participants, and their Family Caregivers who are reassessed and found to be no longer eligible for PCAFC, or eligible but with a reduced stipend amount, would be impacted at different times. Some legacy participants, legacy applicants, and their Family Caregivers would experience negative impacts before others within this same cohort based on when they are reassessed. The varying impact would result from no reason other than that VA was able to reassess certain individuals earlier than others. Therefore, VA must amend its regulations to provide a one-year extension for the reassessment period

and for VA to conduct the reassessments.

Notwithstanding the effective date of this rulemaking, VA invites public comments on this interim final rule and will fully consider and address any comments received. Generally, VA would seek notice and comment in advance of a rule becoming effective. However, in this circumstance, VA does not have sufficient time to provide the public with the opportunity for prior notice and comment and have the amendments effective by October 1, 2021. As noted earlier in the preamble, the number of applications received has far exceeded expectations, and by focusing its resources on processing new applications (while also implementing new regulations and processes for evaluating PCAFC eligibility), VA was unable to prioritize the reassessment of legacy participants, legacy applicants, and their Family Caregivers. In October 2020, VA received an estimated 18,400 applications with a decline in applications received in November and December 2020. However, during the second quarter of FY 2021, VA received another surge in applications, which further delayed VA's ability to prioritize the reassessment of legacy participants, legacy applicants, and their Family Caregivers. To manage these competing issues, VA explored options to complete the reassessments while continuing to process applications. During this exploration, however, VA determined that, even with processing applications while conducting legacy reassessments, an additional 12-month period would be required to complete the legacy reassessments, which is the basis for this interim final rule.

For the reasons stated above, the Secretary also finds good cause under 5 U.S.C. 553(d)(3) to make this interim final rule effective on the date of its publication in the **Federal Register**.

VA recognizes that this extension will continue for an additional year the existing disparity between PCAFC participants who applied for the program on or after October 1, 2020 (and were approved for PCAFC based on the existing regulatory criteria), and legacy participants, legacy applicants, and their Family Caregivers (who were approved for PCAFC based on pre-October 1, 2020 regulatory requirements). However, any harm associated with continuing the current inequity between these two cohorts for an additional one-year period, does not outweigh the harm associated with the alternative outcomes that would result in the absence of this regulatory action. In contrast to PCAFC participants who

applied for the program on or after October 1, 2020, legacy participants and their Family Caregivers were not aware of the regulatory changes that would go into effect on October 1, 2020, and are therefore at the greatest risk of being affected by those changes.

#### Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Information and Regulatory Affairs has determined that this rule is not a significant regulatory action under Executive Order 12866. The Regulatory Impact Analysis associated with this rulemaking can be found as a supporting document at [www.regulations.gov](http://www.regulations.gov).

#### Regulatory Flexibility Act

The Secretary hereby certifies that this interim final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). This interim final rule extends the time for VA to conduct legacy reassessments and the transition period for legacy applicants, legacy participants, and their Family Caregivers. This rule has no impact on small entities. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

#### Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of

anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year. This interim final rule will have no such effect on State, local, and tribal governments, or on the private sector.

#### Paperwork Reduction Act

This interim final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

#### Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are 64.009, Veterans Medical Care Benefits.

#### Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a major rule, as defined by 5 U.S.C. 804(2).

#### List of Subjects in 38 CFR Part 71

Administrative practice and procedure, Caregivers program, Claims, Health care, Health facilities, Health professions, Mental health programs, Travel and transportation expenses, Veterans.

#### Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on July 30, 2021, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

#### Consuela Benjamin,

*Regulations Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.*

For the reasons stated in the preamble, the Department of Veterans

Affairs amends 38 CFR part 71 as follows:

### PART 71—CAREGIVERS BENEFITS AND CERTAIN MEDICAL BENEFITS OFFERED TO FAMILY MEMBERS OF VETERANS

- 1. The authority citation for part 71 continues to read as follows:

**Authority:** 38 U.S.C. 501, 1720G, unless otherwise noted.

Section 71.40 also issued under 38 U.S.C. 111(e), 1720B, 1782.

Section 71.47 also issued under 31 U.S.C. 3711; 38 U.S.C. 5302, 5314.

Section 71.50 also issued under 38 U.S.C. 1782.

#### § 71.20 [Amended]

- 2. Amend § 71.20 in paragraphs (b) and (c) by removing “one year” and adding “two years” in its place.

#### § 71.20 [Amended]

- 3. Amend § 71.30 in paragraphs (e)(1) and (2) by removing “one-year” and adding “two-year” in its place.

#### § 71.40 [Amended]

- 4. Amend § 71.40:

- a. In paragraphs (c)(4)(i)(B) introductory text and (c)(4)(i)(C) and (D), by removing the words “one year” and adding in their place the words “two years”.

- b. In paragraph (c)(4)(ii)(C)(2)(i), by removing the words “one-year” each place they appear and adding in their place the words “two-year”.

- c. In paragraph (c)(4)(ii)(C)(2)(ii) and note to paragraph (c)(4)(ii)(C)(2), by removing the words “the date that is one year after October 1, 2020” each place they appear and adding in their place the words “October 1, 2022”.

[FR Doc. 2021–20112 Filed 9–21–21; 8:45 am]

BILLING CODE 8320–01–P



# Proposed Rules

Federal Register

Vol. 86, No. 181

Wednesday, September 22, 2021

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 52

[NRC-2020-0269]

RIN 3150-AK56

### Extending the Duration of the AP1000 Design Certification

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule and environmental assessment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to update the design to reflect changes provided by Westinghouse Electric Company LLC and to extend the duration of the AP1000 design certification for an additional 5 years. The NRC invites public comment on this proposed rule and environmental assessment.

**DATES:** Submit comments by October 22, 2021. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2020-0269. Address questions about NRC dockets to Dawn Forder; telephone: 301-415-3407; email: [Dawn.Forder@nrc.gov](mailto:Dawn.Forder@nrc.gov). For technical questions contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Email comments to:* [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov). If you do not receive an automatic email reply confirming receipt, then contact us at 301-415-1677.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and

Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

Daniel Doyle, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-3748, email: [Daniel.Doyle@nrc.gov](mailto:Daniel.Doyle@nrc.gov), or Bruce Baval, Office of Nuclear Reactor Regulation, telephone: 301-415-6715, email: [Bruce.Baval@nrc.gov](mailto:Bruce.Baval@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- I. Obtaining Information and Submitting Comments
- II. Rulemaking Procedure
- III. Background
- IV. Plain Writing
- V. Environmental Assessment and Final Finding of No Significant Impact
- VI. Paperwork Reduction Act
- VII. Voluntary Consensus Standards
- VIII. Availability of Documents

#### I. Obtaining Information and Submitting Comments

##### A. Obtaining Information

Please refer to Docket ID NRC-2020-0269 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2020-0269.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room reference staff at 1-800-397-4209, at 301-415-4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the Availability of Documents section.

- *Attention:* The Public Document Room, where you may examine and order copies of public documents, is currently closed. You may submit your request via email at [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 between

8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

- *Attention:* The Technical Library, which is located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852, is open by appointment only. Interested parties may make appointments to examine documents by contacting the NRC Technical Library by email at [Library.Resource@nrc.gov](mailto:Library.Resource@nrc.gov) between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

##### B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2020-0269 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

#### II. Rulemaking Procedure

Because the NRC anticipates that this action will be non-controversial, the NRC is publishing this proposed rule concurrently with a direct final rule in the Rules and Regulations section of this issue of the **Federal Register**. The direct final rule will become effective on December 6, 2021. However, if the NRC receives significant adverse comments on this proposed rule or environmental assessment by October 22, 2021, then the NRC will publish a document that withdraws the direct final rule and will subsequently address the comments received in any final rule as a response to this proposed rule. Absent significant



modifications to the proposed revisions requiring republication, the NRC does not intend to initiate a second comment period on this action in the event the direct final rule is withdrawn.

A significant adverse comment is a comment in which the commenter explains why the rule (including the environmental assessment) would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if it meets the following criteria:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC to make a change (other than editorial) to the rule.

For additional information, including procedural information, see the direct final rule published in the Rules and Regulations section of this issue of the **Federal Register**.

### III. Background

The NRC is amending the design certification (DC) for the AP1000 standard plant design to extend the duration of the DC for 5 years, as proposed by the NRC staff in SECY-20-0082, "Rulemaking Plan to Extend the Duration of the AP1000 Design Certification," dated September 8, 2020 ("rulemaking plan"), and approved by the Commission in SRM-SECY-20-0082, dated November 17, 2020. To issue this extension, the NRC must conclude that the standard design continues to meet the applicable standards and requirements of the Atomic Energy Act of 1954, as amended (the AEA), and the Commission's regulations. This action would allow an applicant to reference the AP1000 design certification while the Commission considers potential changes to the duration and renewal of future and currently valid design certifications more broadly in a

separate, ongoing rulemaking (Alignment of Licensing Processes and Lessons Learned from New Reactor Licensing NRC-2009-0196; RIN 3150-AI66). The NRC also is updating the DC to reflect changes provided by Westinghouse Electric Company LLC (Westinghouse), by letter dated March 19, 2021 (ADAMS Accession No. ML21081A023).

The purpose of the amendment is to extend by 5 years the period that the AP1000 DC is valid for referencing by an applicant and to include design changes previously approved by the NRC in multiple combined license proceedings. The extended duration would align with the extended renewal period previously granted by the NRC to Westinghouse for the AP1000 DC in its exemption issued by letter dated February 14, 2018 (ADAMS Accession No. ML17265A099). With this proposed duration extension, the AP1000 DC would remain valid for referencing until February 27, 2026.

The AP1000 DC in appendix D, "Design Certification Rule for the AP1000 Design," to part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," of title 10 of the *Code of Federal Regulations* (10 CFR) expired on February 27, 2021. By letter dated June 26, 2020, Westinghouse requested that the NRC extend the duration of the AP1000 DC by 5 years, retroactive to the expiration date.

### IV. Discussion

In the rulemaking plan, the NRC staff acknowledged that there were known design issues that it would need to assess in the rulemaking to determine their impact on the necessary safety and environmental findings. The following five aspects of the design were discovered to have issues after the NRC updated the design certification rule to incorporate Revision 19 of the AP1000 design control document (DCD) (ADAMS Accession No. ML11171A500) on December 30, 2011: (1) Passive core cooling system containment condensate return, (2) main control room dose, (3) main control room heatup, (4) hydrogen vent inspections, tests, analyses, and acceptance criteria (ITAAC), and (5) neutron flux logic operating bypass. Combined license holders and applicants have previously referenced and resolved these five design issues, and the NRC has approved the same changes to address the issues in multiple combined license applications and amendments.

After the NRC staff began assessing the known design issues for the rulemaking, Westinghouse indicated its preference to update the design to

reflect the changes made in the previous applications referencing the AP1000 design. By letter dated March 19, 2021 (ADAMS Accession No. ML21081A023), Westinghouse submitted applicable AP1000 DCD markups and references that illustrate how: (1) The five issues have been corrected based on construction of the current AP1000 reactors for Southern Nuclear Company Vogtle Electric Generating Plant, Units 3 and 4, and (2) Westinghouse has marked up the referenced DCD in accordance with those changes. The NRC staff used these references to verify the Westinghouse submitted DCD markups are the same as the design changes the NRC has previously reviewed and approved to address the design issues.

The NRC staff verified, as documented in the NRC staff's Verification Evaluation Report, that the corrected information provided in the markups is the same as has been previously reviewed and approved by the NRC for various combined license and license amendment applications. In reviewing those applications, the NRC staff determined that the design changes resolved the identified design issues, met the applicable regulations, and that the design as modified met the applicable requirements of the AEA and the NRC's regulations. Neither the applicable provisions of the AEA nor the NRC's regulations have changed since those applications were approved. Therefore, the NRC concludes that the relevant safety findings reached in the NRC staff reviews of those prior applications apply to the AP1000 design changes incorporated by the direct final rule and that the standard design, as modified by those changes, meets the applicable standards of the AEA and the NRC's regulations.

### V. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111-274) requires Federal agencies to write documents in a clear, concise, and well-organized manner that also follows other best practices appropriate to the subject or field and the intended audience. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, "Plain Language in Government Writing," published June 10, 1998 (63 FR 31885). The NRC requests comment on the proposed rule with respect to clarity and effectiveness of the language used.

### VI. Environmental Assessment and Final Finding of No Significant Impact

The NRC has determined under the National Environmental Policy Act of 1969, as amended (NEPA), and the

NRC's regulations in subpart A, "National Environmental Policy Act—Regulations Implementing Section 102(2)," of 10 CFR part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," that this proposed rule, if issued, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The NRC's generic determination in this regard, reflected in § 51.32(b)(1), is based upon the following considerations. A design certification rule does not authorize the siting, construction, or operation of a facility referencing any particular design, but only codifies a standard design certification in a rule (extending the AP1000 design certification and incorporating changes to the design in this case). The NRC will evaluate the environmental impacts and issue an environmental impact statement as appropriate under NEPA as part of the application for the construction and operation of a facility referencing any particular design certification rule.

Comments on the environmental assessment will be limited to the consideration of severe accident mitigation design alternatives as required by § 51.30(d). The environmental assessment is available as indicated in the Availability of Documents section.

#### VII. Paperwork Reduction Act

This proposed rule does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing collections of information were approved by the Office of Management and Budget, control number 3150–0151.

#### Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid Office of Management and Budget control number.

#### VIII. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Public

Law 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. Design certifications are not generic rulemakings establishing a generally applicable standard with which all 10 CFR parts 50 and 52 nuclear power plant licensees must comply. Design certifications are Commission approvals of specific nuclear power plant designs by rulemaking. Furthermore, design certifications are initiated by an applicant for rulemaking, rather than by the NRC. This action does not constitute the establishment of a standard that contains generally applicable requirements.

#### IX. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS Accession No./ Federal Register citation
Environmental Assessment by the U.S. Nuclear Regulatory Commission Relating to Extension of the AP1000 Standard Design Certification Docket No. 52–006, dated September 1, 2021.	ML21181A109
Reactor Regulatory History on Design Certification Rules, dated April 26, 2000 <sup>1</sup>	ML003761550
SECY–20–0082, "Rulemaking Plan to Extend the Duration of the AP1000 Design Certification," dated September 8, 2020	ML20252A153
Staff Requirements Memorandum for SECY–20–0082, "Rulemaking Plan to Extend the Duration of the AP1000 Design Certification," dated November 17, 2020.	ML20322A047
U.S. Nuclear Regulatory Commission Verification Evaluation Report, dated May 11, 2021	ML21131A221
Westinghouse AP1000 Design Control Document Revision 19, dated June 13, 2011	ML11171A500
NRC Letter for the Staff Evaluation of the Westinghouse Request for Exemptions Related to the Duration of the AP1000 Design Certification, dated February 14, 2018.	ML17265A099
Westinghouse Electric Company LLC—AP1000 Design Certification Extension Request, dated June 26, 2020	ML20178A640
Westinghouse Electric Company LLC, Supplemental Information to Support the AP1000 Design Certification Extension (Non-proprietary), DCP NRC 003343, dated March 19, 2021.	ML21081A023
Safety Evaluation—Issuance of Amendment Nos. 72 and 71 for Southern Nuclear Company, Inc., Vogtle Units 3 and 4, Respectively, License Amendment Request (LAR) 16–026, dated February 27, 2017.	ML17024A307
Safety Evaluation—Amendment Nos. 123 and 122 for Southern Nuclear Company, Inc., Vogtle Electric Generating Plant Units 3 and 4, Respectively, LAR–17–023, dated April 20, 2018.	ML18085A628
Safety Evaluation—Amendment Nos. 108 and 107 for Southern Nuclear Company, Inc., Vogtle Units 3 and 4, Respectively, LAR–17–001, dated February 1, 2018.	ML18011A894
Safety Evaluation—Amendment Nos. 84 and 83 for Southern Nuclear Company, Inc., Vogtle Units 3 and 4, Respectively, LAR–17–003, dated August 23, 2017.	ML17213A224
Safety Evaluation—Amendment Nos. 71 and 70 for Southern Nuclear Company, Inc., Vogtle Units 3 and 4, Respectively, LAR–16–006, dated February 24, 2017.	ML16320A174
Safety Evaluation—Florida Power and Light Company's Turkey Point Nuclear Generating Units 6 and 7, FSER Chapter 16, "Technical Specifications," dated November 10, 2016.	ML16266A185

<sup>1</sup> The regulatory history of the NRC's design certification reviews is a package of documents that is available in the NRC's Public Document Room and NRC Library: Reactor Regulatory History on Design Certification Rules, April 26, 2000. This history spans the period during which the NRC simultaneously developed the regulatory standards for reviewing these designs and the form and content of the rules that certified the designs. This document predates this rulemaking and therefore does not contain a regulatory history for this rulemaking.

The NRC may post materials related to this document, including public comments, on the Federal rulemaking

website at <https://www.regulations.gov> under Docket ID NRC–2020–0269.

#### List of Subjects in 10 CFR Part 52

Administrative practice and procedure, Antitrust, Combined license, Early site permit, Emergency planning,

Fees, Incorporation by reference, Inspection, Issue finality, Limited work authorization, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress of site, Penalties, Reporting and recordkeeping requirements, Standard design, Standard design certification.

Dated September 1, 2021.

For the Nuclear Regulatory Commission.

**Margaret M. Doane,**

*Executive Director for Operations.*

[FR Doc. 2021–20227 Filed 9–21–21; 8:45 am]

**BILLING CODE 7590–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2021–0801; Airspace Docket No. 20–ASO–29]

**RIN 2120–AA66**

#### Proposed Establishment of Class E Airspace; Fulton, KY

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to establish Class E airspace extending upward from 700 feet above the surface for Fulton Airport, Fulton, KY, to accommodate new area navigation (RNAV) global positioning system (GPS) standard instrument approach procedures (SIAPs) serving this airport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

**DATES:** Comments must be received on or before November 8, 2021.

**ADDRESSES:** Send comments on this proposal to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; Telephone: (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2021–0801, Airspace Docket No. 20–ASO–29, at the beginning of your comments. You may also submit comments through the internet at <https://www.regulations.gov>.

FAA Order JO 7400.11F Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [https://www.faa.gov/air\\_traffic/publications/](https://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence

Avenue SW, Washington, DC 20591; Telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone (404) 305–6364.

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would establish Class E airspace in Fulton, KY, to support IFR operations in the area.

##### Comments Invited

Interested persons are invited to comment on this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA–2021–0801 and Airspace Docket No. 20–ASO–29) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and phone number). You may also submit comments through the internet at <https://www.regulations.gov>.

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: “Comments to FAA

Docket No. FAA–2021–0801; Airspace Docket No. 20–ASO–29.” The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at <https://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at [https://www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](https://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

##### Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

##### The Proposal

The FAA proposes an amendment to 14 CFR part 71 to establish Class E airspace extending upward from 700 feet above the surface at Fulton Airport, Fulton, KY, to accommodate new area navigation (RNAV) global positioning system (GPS) standard instrument

approach procedures (SIAPs) serving this airport.

Class E airspace designations are published in Paragraph 6005, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

### Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures”, prior to any FAA final regulatory action.

### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### ASO KY E5 Fulton, KY [New]

Fulton Airport, KY

(Lat. 36°31'32" N, long. 88°55'04" W)

That airspace extending upward from 700 feet above the surface within a 7.3-mile radius of Fulton Airport.

Issued in College Park, Georgia, on September 15, 2021.

**Andree C. Davis,**

*Manager, Airspace & Procedures Team South, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2021–20266 Filed 9–21–21; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2021–0747; Airspace Docket No. 21–AEA–14]

RIN 2120–AA66

#### Proposed Amendment of Class E Airspace; Skaneateles, NY

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend Class E airspace extending upward from 700 feet above the surface at Skaneateles Aerodrome, Skaneateles, NY, to accommodate new area navigation (RNAV) global positioning system (GPS) standard instrument approach procedures (SIAPs) serving this airport, as well as updating the airport's name. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

**DATES:** Comments must be received on or before November 8, 2021.

**ADDRESSES:** Send comments on this proposal to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; Telephone: (800) 647–5527, or (202)

366–9826. You must identify the Docket No. FAA–2021–0747; Airspace Docket No. 21–AEA–14 at the beginning of your comments. You may also submit comments through the internet at <https://www.regulations.gov>.

FAA Order JO 7400.11F Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [https://www.faa.gov/air\\_traffic/publications/](https://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone (404) 305–6364.

### SUPPLEMENTARY INFORMATION:

#### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend airspace in Skaneateles, NY, to support IFR operations in the area.

#### Comments Invited

Interested persons are invited to comment on this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA–

2021–0747 and Airspace Docket No. 21–AEA–14) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and phone number). You may also submit comments through the internet at <https://www.regulations.gov>.

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: “Comments to FAA Docket No. FAA–2021–0747; Airspace Docket No. 21–AEA–14.” The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at <https://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA’s web page at [https://www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](https://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received and any final disposition, in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays, at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

#### Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists

Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

#### The Proposal

The FAA proposes an amendment to 14 CFR part 71 to amend Class E airspace extending upward from 700 feet above the surface at Skaneateles Aerodrome, Skaneateles, NY, providing the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedures for IFR operations at this airport. This action would increase the radius to 8.0 miles (previously 6.5 miles), and update the airport name to Skaneateles Aerodrome, (formerly Skaneateles Aerodrome Airport).

Class E airspace designations are published in Paragraph 6005, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

#### Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures”, prior to any FAA final regulatory action.

#### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### AEA NY E5 Skaneateles, NY [Amended]

Skaneateles Aerodrome, NY  
(Lat. 42°54′50″ N, long. 76°26′27″ W)

That airspace extending upward from 700 feet above the surface within an 8.0-mile radius of Skaneateles Aerodrome.

Issued in College Park, Georgia, on September 15, 2021.

**Andrese C. Davis,**

*Manager, Airspace & Procedures Team South, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2021–20265 Filed 9–21–21; 8:45 am]

**BILLING CODE 4910–13–P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 174 and 180

[EPA–HQ–OPP–2021–0088; FRL–8792–03–OCSPP]

#### Receipt of Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities (September 2021)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notices of filing of petitions and request for comment.

**SUMMARY:** This document announces the Agency’s receipt of initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

**DATES:** Comments must be received on or before October 22, 2021.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number and the pesticide petition (PP) of interest as shown in the body of this document, using the Federal eRulemaking Portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

Due to the public health concerns related to COVID-19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit <https://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** Marietta Echeverria, Registration Division (7505P), main telephone number: (703) 305-7090, email address: [RDFFRNotices@epa.gov](mailto:RDFFRNotices@epa.gov); or Charles Smith, Biopesticides and Pollution Prevention Division (7511P), main telephone number: (703) 305-7090, email address: [BPPDFRNotices@epa.gov](mailto:BPPDFRNotices@epa.gov). The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

###### *A. Does this action apply to me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).

- Pesticide manufacturing (NAICS code 32532).

###### *B. What should I consider as I prepare my comments for EPA?*

1. *Submitting CBI.* Do not submit this information to EPA through [regulations.gov](https://www.regulations.gov) or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/comments.html>.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

##### **II. What action is the Agency taking?**

EPA is announcing receipt of pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 174 or part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the

submitted data at this time or whether the data supports granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), summaries of the petitions that are the subject of this document, prepared by the petitioners, are included in dockets EPA has created for these rulemakings. The dockets for these petitions are available at <http://www.regulations.gov>.

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petitions so that the public has an opportunity to comment on these requests for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petitions may be obtained through the petition summaries referenced in this unit.

###### *A. Amended Tolerance Exemptions for Non-Inerts (Except PIPS)*

*PP 0F8892.* (EPA-HQ-OPP-2021-0551). The Lubrizol Corporation, 29400 Lakeland Blvd., Wickliffe, OH 44092, requests to amend an exemption from the requirement of a tolerance in 40 CFR 180.1327 to include residues of the bactericide, fungicide, insecticide, and miticide tetraacetylenediamine (TAED) in or on all raw agricultural commodities. The analytical method Warwick International, Ltd.'s QC Method SOP No. 1631 is available to EPA for the detection and measurement of the pesticide residues. *Contact:* BPPD.

###### *B. Amended Tolerances for Non-Inerts*

1. *PP 1E8919.* (EPA-HQ-OPP-2021-0446). Interregional Research Project No. 4 (IR-4), Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend 40 CFR part 180 by removing the established tolerance for residues of pydiflumetofen, including its metabolites and degradates, in or on vegetable, fruiting, group 8-10 at 0.6 parts per million (ppm). *Contact:* RD.

2. *PP 1E8932.* (EPA-HQ-OPP-2021-0449). Interregional Research Project Number 4 (IR-4), Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08450, requests to amend 40 CFR part 180 by removing the established tolerances for residues of fluopyram, including its metabolites and degradates in or on bean, dry at 0.70

ppm; brassica, head and stem, subgroup 5A at 4.0 ppm; brassica, leafy greens, subgroup 5B at 50 ppm; dill, seed at 70 ppm; leafy greens subgroup 4A at 40 ppm; leafy petioles subgroup 4B at 20 ppm; pea and bean, succulent shelled, subgroup 6B at 0.20 ppm; and vegetable, legume, edible podded, subgroup 6A at 4.0 ppm. *Contact:* RD.

*C. New Tolerance Exemptions for Inerts (Except PIPS)*

*PP IN-11268.* (EPA-HQ-OPP-2021-0582). SciReg, Inc., 12733 Director's Loop, Woodbridge, VA 22192, on behalf of Albaugh, LLC, P.O. Box 2127, Valdosta, GA 31604, requests to establish an exemption from the requirement of a tolerance for residues of cocamidopropylamine oxide (CAS Reg. No. 68155-09-9) when used as a pesticide inert ingredient (surfactant) in glyphosate formulations under 40 CFR 180.910 at a concentration not to exceed 6% (w/w). The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD.

*D. New Tolerance Exemptions for Non-Inerts (Except PIPS)*

1. *PP 0F8841.* (EPA-HQ-OPP-2021-0139). Lesaffre Yeast Corporation, 7475 West Main St., Milwaukee, WI 53214, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the fungicide and bactericide *Saccharomyces cerevisiae* strain LAS02 in or on all food commodities. The petitioner believes no analytical method is needed because it is seeking to establish a tolerance exemption for pesticide chemical residues; therefore, an analytical method is not required. Additionally, the petitioner believes toxicological data and public literature discussed in the tolerance exemption petition summary are sufficient to show that there are no foreseeable human or domestic health hazards likely to arise from the use of the product to control postharvest diseases on crops in the greenhouse and in the field. *Contact:* BPPD.

2. *PP 0F8852.* (EPA-HQ-OPP-2021-0534). Symborg, Inc., P.O. Box 12810, San Luis Obispo, CA 93406, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the fungicide *Trichoderma harzianum* strain T78 in or on all agricultural commodities. The petitioner believes no analytical method is needed because it is not applicable in this situation. When used as proposed, the petitioner expects that applications of *Trichoderma harzianum* strain T78

would not result in residues that are of toxicological concern. *Contact:* BPPD.

3. *PP 0F8856.* (EPA-HQ-OPP-2021-0470). Loveland Products, Inc., P.O. Box 1286, Greeley, CO 80632-1286, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the plant regulator salicylic acid (2-hydroxybenzoic acid) in or on all raw agricultural commodities. The petitioner believes no analytical method is needed because salicylic acid and salicylic acid-related compounds such as methyl salicylate occur naturally in all plant-derived food or feed items. Methyl salicylate, the main component of oil of wintergreen, is widely used as a food-flavoring agent and contributes to food residues of salicylic acid and salicylic acid-related compounds in foods. Salicylic acid end-use products will be used at low use rates (0.01 to 0.054 lb AI/A) and, given the proposed use patterns, residues on raw agricultural commodities at the time of harvest are not expected to be significantly greater than the natural background levels of salicylic acid. Based on the multiple sources of salicylic acid and the inability to determine the source of salicylic acid in food crops as natural or from use of salicylic acid end-use products, Loveland Products, Inc. believes that an analytical method for salicylic acid in foods is not necessary to protect the public health or the environment. *Contact:* BPPD.

4. *PP 0F8886.* (EPA-HQ-OPP-2021-0401). Indigo Ag, Inc., 500 Rutherford Ave., Boston, MA 02129, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the nematode suppression agent *Streptomyces* sp. strain SYM00257 in or on all food commodities. The petitioner believes no analytical method is needed because, based on the metabolic profiling it has performed, no metabolites of concern are produced by *Streptomyces* sp. strain SYM00257. *Contact:* BPPD.

5. *PP 1F8903.* (EPA-HQ-OPP-2021-0571). NewLeaf Symbiotics, 1005 North Warson Rd., Suite 102, St. Louis, MO 63132, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the insecticide *Methylobacterium extorquens* strain NLS0042 in or on all food commodities. The petitioner believes no analytical method is needed because an exemption from the requirement of a tolerance is being proposed. *Contact:* BPPD.

6. *PP 1F8907.* (EPA-HQ-OPP-2021-0519). OmniLytics, Inc., 9075 South Sandy Parkway, Sandy, UT 84070, requests to establish an exemption from

the requirement of a tolerance in 40 CFR part 180 for residues of the bactericides bacteriophage active against *Xanthomonas arboricola* pv. *pruni*, bacteriophage active against *Xanthomonas arboricola* pv. *juglandis*, bacteriophage active against *Xanthomonas arboricola* pv. *corylina*, and bacteriophage active against *Pseudomonas syringae* pv. *syringae* in or on all food commodities. The petitioner believes no analytical method is needed because an exemption from the required tolerance is being proposed. *Contact:* BPPD.

*E. New Tolerances for Non-Inerts*

1. *PP 1E8919.* (EPA-HQ-OPP-2021-0446). Interregional Research Project Number 4 (IR-4), Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08450, requests to establish tolerances in 40 CFR 180.699 for residues of the fungicide, Pydiflumetofen, (3-(difluoromethyl)-N-methoxy-1-methyl-N-[1-methyl-2-(2,4,6-trichlorophenyl)ethyl]-1H-pyrazole-4-carboxamide) in or on Caneberry subgroup 13-07A at 4 ppm and vegetable, fruiting, group 8-10 at 0.8 ppm. Analytical methods AG-626 and AG-454A are used to measure and evaluate the chemical. *Contact:* RD.

2. *PP 1E8926.* (EPA-HQ-OPP-2021-0447). The Interregional Research Project No. 4 (IR-4), Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180.478 for residues of the herbicide rimsulfuron, N-[[[4,6-dimethoxy-2-pyrimidinyl]amino]carbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide in or on pomegranate at 0.01 ppm; and tropical and subtropical, small fruit, edible peel subgroup 23A at 0.01 ppm. The high-pressure liquid chromatography with ESI-MS/MS detection is used to measure and evaluate the chemical. *Contact:* RD.

3. *PP 1E8932.* (EPA-HQ-OPP-2021-0449). Interregional Research Project Number 4 (IR-4), Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08450, requests to establish tolerances in 40 CFR 180.661 for residues of the fungicide, fluopyram, (N-[2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl]-2-(trifluoromethyl)benzamide), including its metabolites and degradates in or on the following raw agricultural commodities: Brassica, leafy greens, subgroup 4-16B at 50 ppm; celtuce at 20 ppm; coffee, green bean at 0.03 ppm;



fennel, Florence, fresh leaves and stalk at 20 ppm; kohlrabi at 4 ppm; leafy greens subgroup 4–16A at 40 ppm; leaf petiole vegetable subgroup 22B at 20 ppm; papaya at 1.5 ppm; peppermint, dried leaves at 0.8 ppm; peppermint, fresh leaves at 0.6 ppm; spearmint, dried leaves at 0.8 ppm; spearmint, fresh leaves at 0.6 ppm; spice group 26 at 70 ppm; and vegetable, brassica, head and stem, group 5–16 at 4 ppm; individual commodities of proposed crop subgroup 6–18A; edible podded bean legume vegetable subgroup at 4 ppm including: Asparagus bean, edible podded; catjang bean, edible podded; Chinese longbean, edible podded; cowpea, edible podded; French bean, edible podded; garden bean, edible podded; goa bean, edible podded; green bean, edible podded; guar bean, edible podded; jackbean, edible podded; kidney bean, edible podded; lablab bean, edible podded; moth bean, edible podded; mung bean, edible podded; navy bean, edible podded; rice bean, edible podded; scarlet runner bean, edible podded; snap bean, edible podded; sword bean, edible podded; urd bean, edible podded; vegetable soybean, edible podded; velvet bean, edible podded; wax bean, edible podded; winged pea, edible podded; and yardlong bean, edible podded; individual commodities of proposed crop subgroup 6–18B; edible podded pea legume vegetable subgroup at 4 ppm including: Chickpea, edible podded; dwarf pea, edible podded; edible podded pea; grass-pea, edible podded; green pea, edible podded; lentil, edible podded; pigeon pea, edible podded; snap pea, edible podded; snow pea, edible podded; and sugar snap pea, edible podded; individual commodities of proposed crop subgroup 6–18C: Succulent shelled bean subgroup at 0.2 ppm including: Andean lupin, succulent shelled; blackeyed pea, succulent shelled; blue lupin, succulent shelled; broad bean, succulent shelled; catjang bean, succulent shelled; cowpea, succulent shelled; crowder pea, succulent shelled; goa bean, succulent shelled; grain lupin, succulent shelled; jackbean, succulent shelled; lablab bean, succulent shelled; lima bean, succulent shelled; moth bean, succulent shelled; scarlet runner bean, succulent shelled; southern pea, succulent shelled; sweet lupin, succulent shelled; vegetable soybean, succulent shelled; velvet bean, succulent shelled; wax bean, succulent shelled; white lupin, succulent shelled; white sweet lupin, succulent shelled; and yellow lupin, succulent shelled; individual commodities of proposed crop subgroup 6–18D: Succulent shelled

pea subgroup at 0.2 ppm including: Chickpea, succulent shelled; English pea, succulent shelled; garden pea, succulent shelled; green pea, succulent shelled; lentil, succulent shelled; and pigeon pea, succulent shelled; and individual commodities of proposed crop subgroup 6–18E: Dried shelled bean, except soybean, subgroup at 0.7 ppm including: Adzuki bean, dry seed; African yam-bean, dry seed; American potato bean, dry seed; Andean lupin bean, dry seed; asparagus bean, dry seed; black bean, dry seed; blackeyed pea, dry seed; blue lupin bean, dry seed; broad bean, dry seed; catjang bean, dry seed; Chinese longbean, dry seed; cowpea, dry seed; cranberry bean, dry seed; crowder pea, dry seed; dry bean, dry seed; field bean, dry seed; French bean, dry seed; garden bean, dry seed; goa bean, dry seed; grain lupin bean, dry seed; great northern bean, dry seed; green bean, dry seed; guar bean, dry seed; horse gram, dry seed; jackbean, dry seed; kidney bean, dry seed; lablab bean, dry seed; lima bean, dry seed; morama bean, dry seed; moth bean, dry seed; mung bean, dry seed; navy bean, dry seed; pink bean, dry seed; pinto bean, dry seed; red bean, dry seed; rice bean, dry seed; scarlet runner bean, dry seed; southern pea, dry seed; sweet lupin bean, dry seed; sword bean, dry seed; tepary bean, dry seed; urd bean, dry seed; vegetable soybean, dry seed; velvet bean, seed, dry seed; white lupin bean, dry seed; white sweet lupin bean, dry seed; winged pea, dry seed; yardlong bean, dry seed; yellow bean, dry seed; and yellow lupin bean, dry seed. The multiresidue method (DFG Method S19) is the method used to measure and evaluate the residues of fluopyram. *Contact:* RD.

4. *PP 1F8914.* (EPA–HQ–OPP–2021–0417). Syngenta Crop Protection, LLC, P.O. Box 18300 Greensboro, NC 27419–8300, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide, benzovindiflupyr in or on vegetable, root, except sugar beet, subgroup 1B, except ginseng at 0.4 ppm. The analytical methods GRM042.03A, GRM042.04A, and GRM042.08A are used to measure and evaluate the chemical benzovindiflupyr and its metabolites. *Contact:* RD.

5. *PP 9E8819.* (EPA–HQ–OPP–2020–0050). Bayer CropScience LP, 800 N. Lindbergh Blvd., St. Louis, MO 263167 requests to establish a tolerance in 40 CFR part 180.589 for residues of the fungicide propamocarb hydrochloride in or on Onion, bulb, Crop subgroup 3–07A at 2 ppm, leek at 30 ppm, and kale at 20 ppm. Analytical methods gas/liquid chromatography and N–FID or MSD are used to measure and evaluate

the chemical propamocarb hydrochloride. *Contact:* RD.

**Authority:** 21 U.S.C. 346a.

**Dated:** September 13, 2021.

**Delores Barber,**

*Director, Information Technology and Resources Management Division, Office of Program Support.*

[FR Doc. 2021–20431 Filed 9–21–21; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL MARITIME COMMISSION

### 46 CFR Part 525

[Docket No. 21–06]

RIN 3072–AC87

### Marine Terminal Operator Schedules

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Maritime Commission (FMC) proposes to modernize outdated requirements and clarify existing requirements associated with the filing of marine terminal operator (MTO) schedules.

**DATES:** Submit comments on or before November 22, 2021.

In compliance with the Paperwork Reduction Act (PRA), the Commission is also seeking comment on revisions to an information collection. See the Paperwork Reduction Act section under Rulemaking Analyses and Notices below. Please submit all comments relating to the revised information collection requirements to the FMC and to the Office of Management and Budget (OMB) at the address listed below under **ADDRESSES** on or before November 22, 2021. Comments to OMB are most useful if submitted within 30 days after publication.

**ADDRESSES:** You may submit comments, identified by Docket No. 21–06, by emailing [secretary@fmc.gov](mailto:secretary@fmc.gov). For comments, include in the subject line: “Docket No. 21–06, Comments on Marine Terminal Operator Schedules Rulemaking.” Comments should be attached to the email as a Microsoft Word or text-searchable PDF document. Comments regarding the proposed revisions to the relevant information collection should be submitted to the FMC through the method above and a copy should also be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Federal Maritime Commission, 725 17th Street NW, Washington, DC 20503; by fax: (202) 395–5167; or by email: [OIRA\\_Submission@OMB.EOP.GOV](mailto:OIRA_Submission@OMB.EOP.GOV).



**Instructions:** For detailed instructions on submitting comments, including requesting confidential treatment of comments, and additional information on the rulemaking process, see the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to the Commission's website, unless the commenter has requested confidential treatment.

**Docket:** For access to the docket to read background documents or comments received, go to the Commission's Electronic Reading Room at: <https://www2.fmc.gov/readingroom/proceeding/21-06/>.

**FOR FURTHER INFORMATION CONTACT:** Rachel E. Dickon, Secretary; Phone: (202) 523-5725; Email: [secretary@fmc.gov](mailto:secretary@fmc.gov).

#### **SUPPLEMENTARY INFORMATION:**

### **I. Introduction**

Regulations for the publication of terminal schedules by MTOs are set forth in 46 CFR part 525. Information made available under this part may be used to determine MTOs' compliance with shipping statutes and regulations.

### **II. Background**

Rules regarding MTO schedules are outlined in 46 CFR part 525. The regulations are limited to the optional publication of MTO schedules. Pursuant to part 525, a marine terminal operator, at its discretion, may make available to the public, subject to section 10(d) of the Shipping Act (46 U.S.C. 41102(c), 41103, 41106), a schedule of its rates, regulations, and practices. Part 525 also discusses the rules with respect to making terminal schedules available to the public. These regulations were scheduled to be reviewed in Fiscal Year 2020. The Commission proposes several changes to these regulations that are neither substantial nor policy related. Some provisions reference old names of a current Commission bureau or outdated technology used to gain access to MTO schedules. Other provisions have been clarified as deemed necessary or revised to be consistent with other parts of the Commission's regulations.

### **III. Discussion of Proposed Changes**

As discussed above, the proposed changes are non-policy related and the intent is limited to modernizing outdated requirements, clarifying existing requirements and definitions, and making the existing requirements and definitions consistent with other parts of the Commission's regulations.

**Section 525.1.** The proposed rule revises references to the Shipping Act of

1984 (the Act) to remove specific cites to the Ocean Shipping Reform Act of 1998 and the Coast Guard Authorization Act of 1998 because several other laws also amend the Shipping Act of 1984. See An Act to Complete the Codification of Title 46, United States Code, "Shipping," as Positive Law, Public Law 109-304, 120 Stat. 1485 (2006); Frank LoBiondo Coast Guard Authorization Act of 2018, Public Law 115-282, 132 Stat. 4192 (2018). These revisions affect section 525.1(a) and (c)(1). The proposed rule adds clarifying language to the definition of "bulk cargo" to show that bulk "containerized cargo tendered by the shipper" is subject to mark and count and is, therefore, subject to the requirements of this part. The proposed rule amends the definition of "forest products" to correct a typographical error.

In addition, the proposed rule revises the definition of "marine terminal operator" to mean "a person engaged in the United States in the business of providing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier[.]" This language is consistent with the statutory definition of an MTO. See 46 U.S.C. 40102(15). The proposed rule also adds language to clarify that shippers or consignees who exclusively provide their own marine terminal facilities in connection with providing marine terminal services are not MTOs.

The proposed rule amends the definition of "terminal facilities" by adding "docks, berths, piers, [and] aprons" to the list of structures comprising a terminal unit. In addition, the proposed language replaces the term "water carriers" with "ocean common carriers."

The proposed rule also introduces a definition for the "United States" that is consistent with the definition found in 46 U.S.C. 114. To accommodate the new paragraph, the proposed rule renumbers paragraphs 525.1(c)(21) to (23) to be paragraphs 525.1(c)(22) to (24). Additionally, the proposed rule revises the definition of an MTO to delete "or a commonwealth, territory, or possession thereof," because those entities are now included in the definition of "United States."

**Section 525.2.** The proposed rule does not revise section 525.2, *Terminal Schedules*.

**Section 525.3.** With respect to part 525.3, Availability of marine terminal operator schedules, the proposed rule strikes outdated and unnecessary language relating to accessing electronically published MTO schedules. The proposed rule deletes the terms "personal computer (PC),"

"dial-up connection," "the internet," "Web browser," "Telnet session," "modem," and any further definition or technical requirements relating to these terms. The proposed language also amends the term "URL" to mean "uniform resource locator." The proposed rule deletes current paragraphs 525.3(c) and (e) regarding dial-up connection requirements and the Commission access as the technologies referenced in those paragraphs are obsolete.

With the deletion of specific paragraphs as discussed above, the proposed rule renumbers the remaining paragraphs. With respect to current paragraph 525.3(f), the proposed rule replaces references to the "Bureau of Tariffs, Certification and Licensing," which no longer exists, with the "Bureau of Trade Analysis" (BTA). In addition, the proposed rule also replaces "name and telephone number of firm's representative" with simply "contact information for its representative." The proposed rule also clarifies that BTA has authority to accept submitted Form FMC-1 filings and revisions, and that the filings are pending until accepted.

With respect to current paragraph 525.3(g), the proposed rule clarifies that an MTO may make available to the public its schedules and that any such schedule made available to the public is enforceable by an appropriate court as an implied contract without proof of actual knowledge of its provisions. This language is consistent with 46 U.S.C. 40501(f).

**Section 525.4.** The proposed rule does not revise section 525.4.

### **IV. Public Participation**

#### *How do I prepare and submit comments?*

Your comments must be written and in English. To ensure that your comments are correctly filed in the docket, please include the docket number of this document in your comments.

You may submit your comments via email to the email address listed above under **ADDRESSES**. Please include the docket number associated with this notice and the subject matter in the subject line of the email. Comments should be attached to the email as a Microsoft Word or text-searchable PDF document.

#### *How do I submit confidential business information?*

The Commission will provide confidential treatment for identified confidential information to the extent

allowed by law. If your comments contain confidential information, you must submit the following by email to the address listed above under

**ADDRESSES:**

- A transmittal letter requesting confidential treatment that identifies the specific information in the comments for which protection is sought and demonstrates that the information is a trade secret or other confidential research, development, or commercial information.

- A confidential copy of your comments, consisting of the complete filing with a cover page marked “Confidential-Restricted,” and the confidential material clearly marked on each page.

- A public version of your comments with the confidential information excluded. The public version must state “Public Version—confidential materials excluded” on the cover page and on each affected page, and must clearly indicate any information withheld.

*Will the Commission consider late comments?*

The Commission will consider all comments received before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments received after that date.

*How can I read comments submitted by other people?*

You may read the comments received by the Commission at the Commission’s Electronic Reading Room at the addresses listed above under

**ADDRESSES.**

## V. Regulatory Notices and Analysis

### *Regulatory Flexibility Act*

The Regulatory Flexibility Act (codified as amended at 5 U.S.C. 601–612) provides that whenever an agency is required to publish a notice of proposed rulemaking under the Administrative Procedure Act (APA) (5 U.S.C. 553), the agency must prepare and make available for public comment an initial regulatory flexibility analysis (IRFA) describing the impact of the proposed rule on small entities, unless the head of the agency certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 603, 605. Based on the analysis below, the Chairman of the Federal Maritime Commission certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities. The regulated business entities that would be

impacted by the rule are marine terminal operators. The Commission has determined that marine terminal operators generally do not qualify as small entities under the guidelines of the Small Business Administration (SBA). See *FMC Policy and Procedures Regarding Proper Consideration of Small Entities in Rulemakings* (Feb. 7, 2003), available at [https://www.fmc.gov/wp-content/uploads/2018/10/SBREFA\\_Guidelines\\_2003.pdf](https://www.fmc.gov/wp-content/uploads/2018/10/SBREFA_Guidelines_2003.pdf).

### *National Environmental Policy Act*

The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4347) requires Federal agencies to consider the environmental impacts of proposed major Federal actions significantly affecting the quality of the human environment, as well as the impacts of alternatives to the proposed action. When a Federal agency prepares an environmental assessment, the Council on Environmental Quality (CEQ) NEPA implementing regulations (40 CFR parts 1500 through 1508) require it to “include brief discussions of the need for the proposal, of alternatives [ . . . ], of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.” 40 CFR 1508.9(b). This section serves as the Commission’s Draft Environmental Assessment (Draft EA) for the proposed changes to 46 CFR part 525.

This document sets forth the purpose of and need for this action. The purpose of this rulemaking is to modernize outdated requirements and clarify existing requirements associated with the filing of MTO schedules. The recommended changes are non-policy related and the intent is limited to modernizing outdated requirements and clarifying existing requirements and definitions to make them consistent with other parts of the Commission’s regulations.

The Commission has reviewed the information presented in this Draft EA and concludes that the proposed action and alternatives it may consider would have nothing more than de minimis impacts on the quality of the human environment. Based on the information in this Draft EA and assuming no additional information or changed circumstances, the Commission expects to issue a Finding of No Significant Impact (FONSI). Such a finding will be made only after careful review of all public comments received. A Final EA and a FONSI, if appropriate, will be issued as part of the final rule.

### *Paperwork Reduction Act*

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) (PRA) requires an agency to seek and receive approval from the Office of Management and Budget (OMB) before collecting information from the public. 44 U.S.C. 3507. The agency must submit collections of information in proposed rules to OMB in conjunction with the publication of the notice of proposed rulemaking. 5 CFR 1320.11.

The information collection requirements associated with the marine terminal operator schedules requirements in part 525 are currently authorized under OMB Control Number 3072–0061. The proposed rule does not make any changes to the option for MTOs to file MTO schedules with the Commission.

In compliance with the PRA, the Commission has submitted the proposed revised information collection to the Office of Management and Budget and is requesting comment on the proposed revision.

*Title:* 46 CFR part 525—Marine Terminal Operator Schedules and Related Form FMC–1.

*OMB Control Number:* 3072–0061 (Expires April 30, 2024).

*Abstract:* 46 U.S.C. 40501(f) provides that a marine terminal operator (MTO) may make available to the public a schedule of its rates, regulations, and practices, including limitations of liability for cargo loss or damage, pertaining to receiving, delivering, handling, or storing property at its marine terminal. The Commission’s rules governing MTO schedules are set forth at 46 CFR part 525.

*Current Actions:* The proposed rule would modernize outdated requirements and clarify existing requirements associated with the filing of MTO schedules.

*Type of Review:* Revision of a previously approved collection.

*Needs and Uses:* The Commission uses information obtained from Form FMC–1 to determine the organization name, organization number, home office address, name and telephone number of the firm’s representatives and the location of MTO schedules of rates, regulations and practices, and publisher, should the MTOs determine to make their schedules available to the public, as set forth in section 8(f) of the Shipping Act.

*Frequency:* This information is collected prior to an MTO’s commencement of its marine terminal operations.

*Type of Respondents:* Persons operating as MTOs.

*Number of Annual Respondents:* The Commission estimates the respondent universe at 20, of which 10 opt to make their schedules available to the public.

*Estimated Time per Response:* The time per response for completing Form FMC-1 averages 0.5 person-hours, and approximately 5 person-hours for related MTO schedules.

*Total Annual Burden:* The Commission estimates the total annual person-hour burden at 60 person-hours. Comments are invited on:

- Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility;
- Whether the Commission's estimate for the burden of the information collection is accurate;
- Ways to enhance the quality, utility, and clarity of the information to be collected;
- Ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Please submit any comments, identified by the docket number in the heading of this document, by the methods described in the **ADDRESSES** section of this document.

#### *Executive Order 12988 (Civil Justice Reform)*

This proposed rule meets the applicable standards in E.O. 12988 titled, "Civil Justice Reform," to minimize litigation, eliminate ambiguity, and reduce burden. Section 3(b) of E.O. 12988 requires agencies to make every reasonable effort to ensure that each new regulation: (1) Clearly specifies the preemptive effect; (2) clearly specifies the effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct, while promoting simplification and burden reduction; (4) clearly specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. This document is consistent with that requirement.

#### *Regulation Identifier Number*

The Commission assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You

may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda, available at <http://www.reginfo.gov/public/do/eAgendaMain>.

#### **List of Subjects in 46 CFR Part 525**

Marine Terminal Operator Schedules.

For the reasons set forth above, the Federal Maritime Commission is proposing to amend 46 CFR part 525 as follows:

#### **PART 525—MARINE TERMINAL OPERATOR SCHEDULES**

- 1. The authority citation for part 525 continues to read as follows:

**Authority:** 46 U.S.C. 40102, 40501, 41101–41106.

- 2. Amend § 525.1 by:

■ a. Revising paragraphs (a) and (c)(1), (2), (7), (8), (13), and (18);

■ b. Redesignating paragraphs (c)(21) through (23) as paragraphs (c)(22) through (24); and

■ c. Adding a new paragraph (c)(21).

The revisions and addition read as follows:

##### **§ 525.1 Purpose and scope.**

(a) *Purpose.* This part implements the Shipping Act of 1984, as amended (46 U.S.C. 40101–41309). The requirements of this part are necessary to enable the Commission to meet its responsibilities with regard to identifying and preventing unreasonable preference or prejudice and unjust discrimination pursuant to section 10 of the Act (46 U.S.C. 41101–41106).

\* \* \* \* \*

(c) \* \* \*

(1) *Act* means the Shipping Act of 1984, as amended.

(2) *Bulk cargo* means cargo that is loaded and carried in bulk without mark or count, in a loose unpackaged form, having homogenous characteristics. Bulk containerized cargo tendered by the shipper is subject to mark and count and is, therefore, subject to the requirements of this part.

\* \* \* \* \*

(7) *Expiration date* means the last day after which the entire schedule or a single element of the schedule, is no longer in effect.

(8) *Forest products* means forest products including, but not limited to, lumber in bundles, rough timber, ties, poles, piling, laminated beams, bundled siding, bundled plywood, bundled core stock or veneers, bundled particle or fiber boards, bundled hardwood, wood pulp in rolls, wood pulp in unitized bales, paper and paper board in rolls or

in pallet or skid-sized sheets, liquid or granular by-products derived from pulping and papermaking, and engineered wood products.

\* \* \* \* \*

(13) *Marine terminal operator* means a person engaged in the United States in the business of providing wharfage, dock, warehouse or other terminal facilities in connection with a common carrier, or in connection with a common carrier and a water carrier subject to subchapter II of chapter 135 of title 49, United States Code. A marine terminal operator includes, but is not limited to, terminals owned or operated by states and their political subdivisions; railroads who perform port terminal services not covered by their line haul rates; common carriers who perform port terminal services; and warehousemen who operate port terminal facilities. For the purposes of this part, marine terminal operator includes conferences of marine terminal operators. This term does not include shippers or consignees who exclusively provide their own marine terminal facilities in connection with tendering or receiving proprietary cargo from a common carrier or water carrier.

\* \* \* \* \*

(18) *Terminal facilities* means one or more structures comprising a terminal unit, which include, but are not limited to docks, berths, piers, aprons, wharves, warehouses, covered and/or open storage spaces, cold storage plants, cranes, grain elevators and/or bulk cargo loading and/or unloading structures, landings, and receiving stations, used for the transmission, care and convenience of cargo and/or passengers in the interchange of same between land and ocean common carriers or between two ocean common carriers.

\* \* \* \* \*

(21) *United States* means the States of the United States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

\* \* \* \* \*

- 3. Amend § 525.3 by revising paragraphs (b) through (e) to read as follows:

##### **§ 525.3 Availability of marine terminal operator schedules.**

\* \* \* \* \*

(b) *Access to electronically published schedules.* Marine terminal operators shall provide access to their terminal schedules via the internet.

(c) *internet connection.* (1) The internet connection requires that

systems provide a uniform resource locator (URL) internet address (*e.g.*, <http://www.tariffsrus.com> or <http://1.2.3.4>).

(2) Marine terminal operators shall ensure that their internet service providers shall provide static internet addresses.

(d) *Notification.* Each marine terminal operator shall notify the Commission's Bureau of Trade Analysis (BTA), prior to the commencement of marine terminal operations, of its organization name, home office address, contact information for its representative, the location of its terminal schedule(s), and the publisher, if any, used to maintain its terminal schedule, by electronically submitting Form FMC-1 via the Commission's website at [www.fmc.gov](http://www.fmc.gov).

Any changes to the above information shall be immediately transmitted to BTA within 30 calendar days. BTA has the authority to accept submitted Form FMC-1 filings and revisions. Form FMC-1 filings are pending until accepted. The Commission will publish, on its website, the location of any terminal schedule made available to the public.

(e) *Form and manner.* A marine terminal operator may make available to the public a schedule of rates, regulations, and practices, including limitations of liability for cargo loss or damage, pertaining to receiving, delivering, handling, or storing property at its marine terminal. Any such schedule made available to the public is enforceable by an appropriate court as

an implied contract without proof of actual knowledge of its provisions. Each terminal schedule made available by a marine terminal operator shall contain an individual identification number, effective date, expiration date, if any, and the terminal schedule in full text and/or data format showing the relevant rates, charges, and regulations relating to or connected with the receiving, handling, storing, and/or delivering of property at its terminal facilities.

\* \* \* \* \*

By the Commission.

**Rachel E. Dickon,**

*Secretary.*

[FR Doc. 2021-18878 Filed 9-21-21; 8:45 am]

**BILLING CODE 6730-02-P**

# Notices

Federal Register

Vol. 86, No. 181

Wednesday, September 22, 2021

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

September 16, 2021.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding these information collections are best assured of having their full effect if received by October 22, 2021. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such

persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

### National Agricultural Statistics Service (NASS)

*Title:* 2022 Census of Agriculture—Substantive Change.

*OMB Control Number:* 0535–0226.

*Summary of Collection:* General authority for these data collection activities is granted under U.S. Code Title 7, Section 2204 which specifies that “The Secretary of Agriculture shall procure and preserve all information concerning agriculture which he can obtain . . . by the collection of statistics . . .”. The primary objective of the National Agricultural Statistics Service (NASS) is to provide data users with timely and reliable agricultural production and economic statistics, as well as environmental and specialty agricultural related statistics. To accomplish this objective, NASS relies on the use of diverse surveys that show changes within the farming industry over time.

This is a request to make a substantive change to the currently approved Census of Agriculture clearance. In this substantive change, NASS provides details to the separate data collection of agricultural decision makers’ sexual orientation and gender identification (SOGI) and disability status data that was mentioned in the original approval. This experimental data collection will be called *The Farm Producer Study* and will take place in late 2021. *The Farm Producer Study* will provide experimental data that will help determine if these questions should be included in future data collections, such as the 2027 Census of Agriculture.

*Need and Use of the Information:* Census of Agriculture data, including data that may be used to better understand the demographics of agricultural producers, are an integral part of the primary function of the National Agricultural Statistics Service (NASS), which is the collection, processing, and dissemination of current State, regional, and national agricultural statistics.

*Description of Respondents:* Farms: Individuals or households.

*Number of Respondents:* 75,000.

*Frequency of Responses:* Once.

*Total Burden Hours:* 15,965.

**Levi S. Harrell,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2021–20443 Filed 9–21–21; 8:45 am]

**BILLING CODE 3410–20–P**

## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

[Docket No. NRCS–2021–0003]

### Proposed Revisions to Section 1 of the Field Office Technical Guides for Several States

**AGENCY:** Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture (USDA).

**ACTION:** Notice of availability; request for comment.

**SUMMARY:** NRCS is giving notice that it is proposing to revise Section 1 of the Field Office Technical Guides in Alabama, Alaska, Arizona, Arkansas, California, Caribbean Area, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii and Pacific Islands Area, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. The proposed changes include hydrology indicators for the identification in each of these States of farmed wetlands (FW) that are not playas, pocosins, or potholes. These indicators will be used by NRCS to identify FWs while completing wetland determinations for USDA program eligibility purposes.

**DATES:** *Comment Date:* We will consider comments that we receive by October 22, 2021.

**ADDRESSES:** We invite you to submit comments on this notice. You may submit comments through the:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and search for docket ID NRCS–2021–0003. Follow the instructions for submitting comments.

• *Mail, or Hand Delivery:* Mr. Jason Outlaw, National Leader for Wetland and Highly Erodible Land Conservation, Ecological Sciences Division, NRCS, USDA, 1400 Independence Ave., South Building, Room 4634, Washington, DC 20250. In your comment, specify the docket ID NRCS–2021–0003 and the name of the specific State for which you are submitting comments.

All comments will be available on <http://www.regulations.gov>.

Each State's proposed hydrology indicators for the identification of FWs that are not playas, pocosins, or potholes are available through <http://www.regulations.gov> by accessing Docket No. NRCS–2021–0003. Alternatively, the proposed indicators can be downloaded or printed from <https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/programs/farmbill/?cid=NRCSEPRD1792621>. Requests for paper versions or inquiries may be directed to the specific State Conservationist at the contact points listed below.

**FOR FURTHER INFORMATION CONTACT:** The appropriate NRCS State Conservationist as listed below:

- *Alabama:* Ben Malone; (334) 887–4500; [ben.malone@usda.gov](mailto:ben.malone@usda.gov);
- *Alaska:* Alan McBee; (907) 761–7780; [alan.mcbee@usda.gov](mailto:alan.mcbee@usda.gov);
- *Arizona:* Keisha Tatem; (602) 280–8808; [keisha.tatem@usda.gov](mailto:keisha.tatem@usda.gov);
- *Arkansas:* Michael E. Sullivan; (501) 301–3100; [michael.sullivan@usda.gov](mailto:michael.sullivan@usda.gov);
- *California:* Carlos Suarez; (530) 792–5600; [carlos.suarez@usda.gov](mailto:carlos.suarez@usda.gov);
- *Caribbean Area:* Luis Cruz-Arroyo; 787–281–4836; [luis.cruz-arroyo@usda.gov](mailto:luis.cruz-arroyo@usda.gov);
- *Colorado:* Clint Evans; (720) 544–2802; [clint.evans@usda.gov](mailto:clint.evans@usda.gov);
- *Connecticut:* Thomas Morgart; (860) 871–4014; [thomas.morgart@usda.gov](mailto:thomas.morgart@usda.gov);
- *Delaware:* Kasey L. Taylor; (302) 678–4160; [kasey.taylor@usda.gov](mailto:kasey.taylor@usda.gov);
- *Florida:* Juan Hernandez; (352) 338–9500; [juan.hernandez@usda.gov](mailto:juan.hernandez@usda.gov);
- *Georgia:* Terrance O. Rudolph; (706) 546–2272; [terrance.rudolph@usda.gov](mailto:terrance.rudolph@usda.gov);
- *Hawaii/Pacific Islands Area:* Travis L. Thomason; (808) 600–2969; [travis.thomason@usda.gov](mailto:travis.thomason@usda.gov);
- *Idaho:* Curtis Elke; (208) 378–5701; [curtis.elke@usda.gov](mailto:curtis.elke@usda.gov);
- *Illinois:* Ivan N. Dozier; (217) 353–6600; [ivan.dozier@usda.gov](mailto:ivan.dozier@usda.gov);
- *Indiana:* Jerry Raynor; (317) 295–5801; [jerry.raynor@usda.gov](mailto:jerry.raynor@usda.gov);
- *Iowa:* Jon Hubbert; (515) 284–6655; [jon.hubbert@usda.gov](mailto:jon.hubbert@usda.gov);
- *Kansas:* Karen Woodrich; (785) 823–4565; [karen.woodrich@usda.gov](mailto:karen.woodrich@usda.gov);
- *Kentucky:* C. Gregory Stone; (859) 224–7350; [greg.stone@usda.gov](mailto:greg.stone@usda.gov);

- *Louisiana:* Richard “Chad” Kacir; (318) 473–7751; [richard.kacir@usda.gov](mailto:richard.kacir@usda.gov);
- *Maine:* Matt Walker; (207) 990–9585; [matt.walker@usda.gov](mailto:matt.walker@usda.gov);
- *Maryland:* Terron Hillsman, Ph.D.; (443) 757–0861; [terron.hillsman@usda.gov](mailto:terron.hillsman@usda.gov);
- *Massachusetts:* Daniel Wright; (413) 253–4350; [daniel.wright@usda.gov](mailto:daniel.wright@usda.gov);
- *Minnesota:* Troy Daniell; (651) 602–7900; [troy.daniell@usda.gov](mailto:troy.daniell@usda.gov);
- *Mississippi:* Kurt Readus; (601) 965–5205 x140; [kurt.readus@usda.gov](mailto:kurt.readus@usda.gov);
- *Missouri:* Scott Edwards; (573) 876–0901; [scott.edwards@usda.gov](mailto:scott.edwards@usda.gov);
- *Montana:* Tom Watson; (406) 587–6811; [tom.watson@usda.gov](mailto:tom.watson@usda.gov);
- *Nebraska:* Jeff Vander Wilt (acting); (402) 437–4103; [jeffrey.vanderwilt@usda.gov](mailto:jeffrey.vanderwilt@usda.gov);
- *Nevada:* Ray Dotson; (775) 857–8500 x102; [ray.dotson@usda.gov](mailto:ray.dotson@usda.gov);
- *New Hampshire:* Becky Ross; (603) 868–7581; [becky.ross@usda.gov](mailto:becky.ross@usda.gov);
- *New Jersey:* Julie Hawkins; (732) 537–6041; [julie.hawkins@usda.gov](mailto:julie.hawkins@usda.gov);
- *New Mexico:* J. Xavier Montoya; (505) 761–4402; [xavier.montoya@usda.gov](mailto:xavier.montoya@usda.gov);
- *New York:* Blake Glover; (315) 477–6504; [blake.glover@usda.gov](mailto:blake.glover@usda.gov);
- *North Carolina:* Timothy A. Beard; (919) 873–2101; [tim.beard@usda.gov](mailto:tim.beard@usda.gov);
- *Ohio:* John Wilson (acting); (614) 255–2475; [john.wilson@usda.gov](mailto:john.wilson@usda.gov);
- *Oklahoma:* Gary O'Neill; (405) 742–1204; [gary.oneill@usda.gov](mailto:gary.oneill@usda.gov);
- *Oregon:* Ron Alvarado; (503) 414–3200; [ron.alvarado@usda.gov](mailto:ron.alvarado@usda.gov);
- *Pennsylvania:* Denise Coleman; (717) 237–2100; [denise.coleman@usda.gov](mailto:denise.coleman@usda.gov);
- *Rhode Island:* R. Phou Vongkhamdy; (401) 822–8815; [pooh.vongkhamdy@usda.gov](mailto:pooh.vongkhamdy@usda.gov);
- *South Carolina:* Ann English; (803) 253–3935; [ann.english@usda.gov](mailto:ann.english@usda.gov);
- *Tennessee:* Sheldon Hightower; (615) 277–2531; [sheldon.hightower@usda.gov](mailto:sheldon.hightower@usda.gov);
- *Texas:* Kristy Oates; (254) 742–9800; [kristy.oates@usda.gov](mailto:kristy.oates@usda.gov);
- *Utah:* Emily Fife; (801) 524–4551; [emily.fife@usda.gov](mailto:emily.fife@usda.gov);
- *Vermont:* Vicky Drew; (802) 951–6796; [vicky.drew@usda.gov](mailto:vicky.drew@usda.gov);
- *Virginia:* Edwin Martinez; (804) 287–1691; [edwin.martinez@usda.gov](mailto:edwin.martinez@usda.gov);
- *Washington:* Roylene Comes at Night; (509) 323–2900; [Roylene.comes-at-night@usda.gov](mailto:Roylene.comes-at-night@usda.gov);
- *West Virginia:* Jon Bourdon; (304) 284–7540; [jon.bourdon@usda.gov](mailto:jon.bourdon@usda.gov);
- *Wisconsin:* Angela L. Biggs; (608) 662–4422 x241; [angela.biggs@usda.gov](mailto:angela.biggs@usda.gov);
- and
- *Wyoming:* Astrid Martinez; (307) 233–6750; [astrid.martinez@usda.gov](mailto:astrid.martinez@usda.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

To participate in most USDA programs, agricultural producers agree to comply with the wetland conservation provisions. This means producers will not farm converted wetlands or convert wetlands to enable agricultural production. One of NRCS' roles is to make wetland determinations that locate and certify the existence of wetlands subject to the Food Security Act of 1985 on producers' land.

This notice announces that NRCS plans to revise Section 1 of the Field Office Technical Guide for the following States: Alabama, Alaska, Arizona, Arkansas, California, Caribbean Area, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii/Pacific Islands Area, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Section 1 of each State's Field Office Technical Guide may be used by NRCS to identify FWs while completing wetland determinations for USDA program eligibility purposes in that particular State. Specifically, the proposed changes will include hydrology indicators to identify FWs that are not playas, pocosins, or potholes.

Each State's proposed hydrology indicators for the identification of FWs that are not playas, pocosins, or potholes are available through <http://www.regulations.gov> by accessing Docket No. NRCS–2021–0003. Alternatively, the proposed indicators can be downloaded or printed from <https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/programs/farmbill/?cid=NRCSEPRD1792621>. Requests for paper versions or inquiries may be directed to the specific State Conservationist at the contact points listed below.

**Proposed Changes to the Field Office Technical Guide**

NRCS plans to revise Section 1 of the Field Office Technical Guides for the States of Alabama, Alaska, Arizona, Arkansas, California, Caribbean Area, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii/Pacific Islands Area, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana,

Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming to include hydrology indicators for the identification of FWs that are not playas, pocosins, or potholes. These indicators will be used by NRCS to identify FWs as part of the technical documents and procedures to conduct wetland determinations on agricultural land for USDA program eligibility purposes as required by law as specified in 16 U.S.C. 3822.

The controlling regulations for the wetland conservation (WC) provisions of the Food Security Act of 1985, as amended, are provided in 7 CFR part 12, "Highly Erodible Land and Wetland Conservation." The regulations' broad definition of "wetland determination" describe an FW (in part) using two criteria. First, an FW is a wetland that prior to December 23, 1985, was manipulated and used to produce an agricultural commodity at least once before December 23, 1985. Second, FWs are described as wetlands that on December 23, 1985, did not support woody vegetation, and met the following hydrologic criteria: If not a playa, pocosin, or pothole, experienced inundation for 15 consecutive days or more during the growing season or 10 percent of the growing season, whichever is less, in most years (50-percent chance or more).

To decide effectively whether an area supports the required inundation for a FW that is not identified as a playa, pocosin, or pothole, the regulations then provide three options:

1. Observation of wetland hydrology indicators as identified in the local NRCS Field Office Technical Guide;
2. Procedures identified in State Off-Site Methods for wetland identification set forth in the local NRCS Field Office Technical Guide; or
3. The use of analytic techniques, such as the use of drainage equations or the evaluation of monitoring data.

The proposed FW hydrology indicators provide those NRCS will use under option one.

On August 28, 2020, USDA published a final rule in the **Federal Register** (85 FR 53137–53152) for the highly erodible land and wetland conservation provisions of the Food Security Act of 1985, as amended. The rule changed how NRCS identifies hydrology criteria for FWs that are not playas, pocosins, or potholes, consistent with the discussion above. Prior to that final rule, the regulations specified that NRCS would

identify FWs by using hydrology indicators showing evidence of recent inundation as contained in the applicable regional supplement to the Corps of Engineers Wetland Delineation Manual.

The preamble to the August 28, 2020, final rule provided that until such time as the updates to the NRCS Field Office Technical Guides have been published and public notice provided, NRCS will continue to use Group B (Evidence of Recent Inundation) hydrology indicators from the regional supplements to the Corps of Engineers Wetland Delineation Manual, as specified in the interim rule, published December 7, 2018, in the **Federal Register** (83 FR 63046–63052), to identify FWs that are not playas, pocosins, or potholes. Those Group B wetland hydrology indicators currently used by NRCS can be found in the regional supplements to the Corps of Engineers Wetland Delineation Manual at [https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/reg\\_supp/](https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/reg_supp/). The Corps of Engineers hydrology indicators will no longer be used by NRCS for the identification of FWs that are not playas, pocosins, or potholes once the State-specific NRCS indicators are considered final and published in Section 1 of each State's Field Office Technical Guide.

#### Notification and Public Comment

Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3862 note) specifies that USDA must allow public notice and comment for revisions to NRCS State technical guides which are used to carry out the Food Security Act of 1985 highly erodible land and wetland conservation provisions (16 U.S.C. 3801–3824).

NRCS will consider all comments that are received during the 30-day comment period. The final version of the Field Office Technical Guide for the States of Alabama, Alaska, Arizona, Arkansas, California, Caribbean Area, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii/Pacific Islands Area, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming as revised to include hydrology indicators for the identification of FWs that are not playas, pocosins, or potholes will be

adopted after the close of the 30-day period and after consideration of all comments. Responses to comments will be posted at <https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/programs/farmbill/?cid=nrcseprd1542016> once each State's final version is adopted.

Astor Boozer, Regional Conservationist, West Region, Natural Resources Conservation Service.

Terrell Erickson, Regional Conservationist, Northeast Region, Natural Resources Conservation Service.

Noller Herbert, Acting Regional Conservationist, Central Region, Natural Resources Conservation Service.

**James Tillman,**

*Regional Conservationist, Southeast Region, Natural Resources Conservation Service.*

[FR Doc. 2021–20474 Filed 9–21–21; 8:45 am]

**BILLING CODE 3410–16–P**

## DEPARTMENT OF COMMERCE

### Census Bureau

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Redistricting Data Program

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on May 07, 2021, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* U.S. Census Bureau, Department of Commerce.

*Title:* Redistricting Data Program.  
*OMB Control Number:* 0607–0988.

*Form Number(s):* P4–02, P4–03, P4–04, P4–05, and P4–06.

*Type of Request:* Regular submission, Revision of a Currently Approved Collection.

*Number of Respondents:* 52.

*Average Hours per Response:*

*Phase 4:* 8 hours.

*Phase 5:* 2 hours.

*Burden Hours:* 520 hours.

*Phase 4:* 416 hours.

*Phase 5:* 104 hours.



*Needs and Uses:* The Redistricting Data Program (RDP) is one of many voluntary programs that collect boundaries to update the U.S. Census Bureau's geographic database of addresses, streets, and boundaries. The Census Bureau uses its geographic database to link demographic data from surveys and the decennial census to locations and areas, such as cities, congressional and legislative districts, and counties. To tabulate statistics by localities, the Census Bureau must have accurate addresses and boundaries.

Specifically, the RDP provides states the opportunity to delineate voting districts and to suggest census block boundaries for use in the 2020 Census redistricting data tabulations (Pub. L. 94–171 Redistricting Data File). In addition, the RDP periodically collects state legislative and congressional district boundaries if they are changed by the states. After the 2020 Census, states may use 2020 data tabulated for census blocks, voting districts, and possibly other geographic areas such as cities, counties, etc., as considerations when they draw their new congressional and legislative district boundaries. States are the only authority that can choose where and how to draw their boundaries. The boundaries collected in the RDP and other geographic programs will create census blocks, which are the building blocks for all Census Bureau geographic boundaries. While the geographic programs differ in requirements, time frame, and participants, the RDP and the other geographic programs all follow the same basic process:

1. The Census Bureau invites eligible participants to the program. For the RDP, the Census Bureau invites non-partisan state liaisons appointed by the legislative majority and minority leadership of each state.

2. If they elect to participate in the program, participants receive a digital copy of the boundaries the Census Bureau has on file. Participants review the boundaries and update them if needed. RDP participants can choose to review and provide their boundary updates using a free customized mapping software, or their own mapping software.

3. Participants return their updates to the Census Bureau.

4. The Census Bureau updates their geographic database with boundary updates from participants.

5. The Census Bureau uses the newly updated boundaries and addresses to tabulate statistics.

The Census Bureau is requesting a clearance to continue the RDP. As the current Office of Management and

Budget (OMB) Control Number 0607–0988 will expire in November 2021, the new clearance will allow the Census Bureau to provide RDP-specific materials, burden hours, and procedures to the 52 state liaisons to complete Phase 4: Collection of Post 2020 Census Redistricting Data Plans and Phase 5: Review of the 2020 Census RDP and Recommendations for the 2030 RDP. The RDP is executed under the provisions of Title 13, Section 141(c) of the United States Code (U.S.C.).

Under the provisions of Public Law 94–171, as amended (Title 13, United States Code (U.S.C.), Section 141(c)), the Secretary of Commerce, who designates this responsibility to the Director of the Census Bureau, is required to provide the officers or public bodies having initial responsibility for the legislative apportionment or districting of each state with the opportunity to specify geographic areas (e.g., Voting Districts (wards and election precincts), congressional and state legislative districts, and census blocks) for which they wish to receive decennial census population counts for the purpose of reapportionment or redistricting and to deliver those counts in a timely manner.

The Census Bureau issued invitation letters by mail (U.S. Postal Service) and follow-up emails to the officers or public bodies having initial responsibility for legislative reapportionment and redistricting. The 50 states, the District of Columbia, and the Commonwealth of Puerto Rico designated non-partisan liaisons to serve as the primary point of contact with the Census Bureau on the 2020 Census RDP.

Phase 1: Block Boundary Suggestion Project was conducted and completed in fiscal years 2015 through 2017.

Phase 2: The Voting District Project was conducted and completed in fiscal years 2018 through 2020.

Phase 3: Delivery of the 2020 Decennial Census Redistricting Data was originally scheduled for completion on April 1, 2021. Due to COVID–19-related delays and prioritizing the delivery of the apportionment results, the Census Bureau completed delivery of the redistricting data to all states and state equivalents on August 12, 2021 and again in more usable format on September 16, 2021.

Phase 4: Collection of Post Census Redistricting Data Plans. Between January 2022 and July 2022, the Census Bureau will solicit from each state the newly drawn 118th Congressional Districts and State Legislative Districts. This effort will occur every two years in advance of the 2030 Census to update these boundaries with new or changed

plans. A verification phase will occur with each update.

Phase 5: Review of the 2020 Census RDP and Recommendations for the 2030 Census RDP (2020 post-data collection). As the final phase of the 2020 Census RDP, the Census Bureau will work with the states to conduct a thorough review of the RDP. The intent of this review, and the final report that results, is to provide guidance to the Secretary and the Census Bureau Director in planning the 2030 Census RDP.

No changes have been made since the RDP 60-day notification was published on Friday, May 07, 2021, Vol. 86, No. 87, pages 24582–24584.

*Affected Public:* All 50 states, the District of Columbia, and the Commonwealth of Puerto Rico.

*Frequency:* Every 10 years.

*Respondent's Obligation:* Voluntary.

*Legal Authority:* Public Law 94–171, as amended (Title 13, United States Code (U.S.C.), Section 141(c)).

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0607–0988.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.*

[FR Doc. 2021–20512 Filed 9–21–21; 8:45 am]

**BILLING CODE 3510–07–P**

---

## DEPARTMENT OF COMMERCE

### International Trade Administration

[Docket No. ITA–2021–0004]

### Healthcare Services Sector Export Market Landscape

**AGENCY:** International Trade Administration, U.S. Department of Commerce.

**ACTION:** Notice of request for public comments.

---

**SUMMARY:** The U.S. Department of Commerce (Commerce) seeks to support U.S. private-sector businesses and organizations engaged in export



activities. As technologies and global needs evolve, Commerce must stay apprised of trends and changes to provide effective support to the private sector. Additionally, knowledge of challenges and gaps in support provided is critical to strengthening the United States' export potential. This notice is a general solicitation of comments from the public to assist Commerce's International Trade Administration (ITA) in gaining a better understanding from the public about the current state of, and future prospects for, the healthcare services sector in international markets.

**DATES:** Comments will be considered on a rolling basis but are due no later than 5 p.m. Eastern Time on November 8, 2021.

**ADDRESSES:** You may submit comments, identified by ITA-2021-0004, by either of the following methods:

- **Online Submission (Strongly Preferred):** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter ITA-2021-0004 in the Search box. Click on the "Comment" icon, complete the required fields, and enter or attach your comments.

- **Email:** [healthcareservices@trade.gov](mailto:healthcareservices@trade.gov). Comments submitted by email should be machine-readable and should not be copy-protected.

Due to COVID-19 building closures, we are temporarily not accepting comments by mail. However, if you are unable to comment via [regulations.gov](https://www.regulations.gov), you may contact [healthcareservices@trade.gov](mailto:healthcareservices@trade.gov) for instructions on submitting your comment.

Comments sent by any other method, to any other address or individual, or received after the end of the comment period may not be considered by ITA. All comments received are a part of the public record and will generally be posted for public viewing on <http://www.regulations.gov/ITA-2021-0004> without change. For access to the docket to read background documents or comments received, go to <http://www.regulations.gov/ITA-2021-0004>.

All submissions received must include the agency name and docket number for this notice. Commenters should include the name of the person or organization filing the comment. All personal identifying information (for example, name, address) voluntarily submitted by the commenter may be publicly accessible. ITA will not accept anonymous comments.

For those seeking to submit confidential business information (CBI) for Government use only, please clearly

mark such submissions as CBI and submit an accompanying redacted version to be made public. CBI comments can be submitted either through <http://www.regulations.gov/ITA-2021-0004> (strongly preferred) or by email.

**FOR FURTHER INFORMATION CONTACT:**

Karen Grunstra, International Trade Administration, at [healthcareservices@trade.gov](mailto:healthcareservices@trade.gov) or (202) 482-4431. Please direct media inquiries to ITA's Office of Public Affairs (202) 482-3809 or [publicaffairs@trade.gov](mailto:publicaffairs@trade.gov).

**SUPPLEMENTARY INFORMATION:**

**Background:** ITA's export promotion programs play a critical role in addressing challenges and filling gaps in currently offered services. As market conditions constantly change and challenges for U.S. exporters evolve, it is important to gather additional information. The information solicited by this notice will be used in support of ITA's core mission to create prosperity by strengthening the international competitiveness of U.S. industry, promoting trade and investment, and ensuring fair trade and compliance with trade laws and agreements. This mission arises from the authority of the Secretary of Commerce to "foster, promote, and develop the foreign and domestic commerce of the United States" pursuant to 15 U.S.C. 1512, and to "draw the attention of private enterprises to opportunities for investment and development . . ." around the world pursuant to the Foreign Assistance Act of 1961 and Executive Order 12163, dated September 29, 1979. To help develop its priorities and ensure coordination among its programs, ITA is seeking information on international healthcare services market strengths and growth potential, as well as policy and regulatory challenges in the healthcare services sector, including but not limited to the following elements.

**Scope:** Healthcare services is a broad term that can encompass a range of solutions used to address a variety of healthcare issues. For the purpose of this request for public comment, ITA is focused on both established and emerging services that are being used to address and treat various healthcare needs in different international markets. This notice serves as a general solicitation for public comment and as an initial step in improving ITA's understanding of the current services exports landscape. The information sought can be organized into the following broad categories:

(1) Current global market conditions in regard to healthcare services;

(2) Related needs for healthcare services exports that affect success in international markets;

(3) The effectiveness of the assistance ITA already offers and ideas for activities not currently offered.

**Request for Written Comments**

**Instructions:** This notice is a general solicitation for public comments and further sets forth topics for discussion and comment. ITA seeks broad input from all interested stakeholders—including U.S. industry, researchers, academia, and civil society—on the international healthcare services sector. Commenters may provide information related to any or all of the following, or to any other aspect of the healthcare services sector that they consider relevant. To the extent commenters choose to respond to the specific questions asked, responses may be formatted as the commenter prefers.

**A. Prospects for the Provision of International Healthcare Services**

1. With respect to healthcare services and healthcare services technology outside of the United States:

a. Which markets present the greatest potential for growth in healthcare services exports, and what services or enabling technologies are most in demand in these markets?

b. Which countries offer the most competition in the sector, and in which services or enabling technologies?

c. What trade barriers exist, and what regulatory, standards, or other market condition changes would be most significant in facilitating U.S. healthcare services exports?

d. How are healthcare services sold in international markets, e.g., through government procurement, directly to medical professionals, directly to private consumers, etc.?

**B. Complementary Needs**

1. When examining which international export markets to enter, please explain the importance of the following:

a. How do local licensing requirements and/or other certifications affect the ability to operate in various international markets?

b. How important is the education/training of international personnel to success in exporting healthcare services and why?

c. When entering a market, how do exporters find local representatives and employees (i.e., doctors, nurses, trained project managers, etc.), and how dependent are service offerings on finding suitable local partners?

*C. ITA Support*

1. To what extent would the following ITA activities assist exporters of healthcare services:

a. How would ITA's collaboration directly with foreign governments to improve market preconditions and address market-specific challenges be useful?

b. How would ITA's implementation of U.S. export promotion activities, including those already offered such as trade missions or match-making activities, be useful?

c. What activities not currently offered would be helpful to U.S. exporters?

**Monica Gorman,**

*Deputy Assistant Secretary, Manufacturing, Industry & Analysis, International Trade Administration.*

[FR Doc. 2021-20444 Filed 9-21-21; 8:45 am]

**BILLING CODE 3510-DR-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; List of Gear by Fisheries and Fishery Management Council**

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on April 21, 2021, (86 FR 20665) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* National Oceanic & Atmospheric Administration (NOAA), Commerce.

*Title:* List of Gear by Fisheries and Fishery Management Council.

*OMB Control Number:* 0648-0346.

*Form Number(s):* None.

*Type of Request:* Regular submission.

*Number of Respondents:* 1.

*Average Hours per Response:* 1.

*Total Annual Burden Hours:* 0.33.

*Needs and Uses:* This request is for an extension of a currently approved information collection by the NOAA's National Marine Fisheries Service, Office of Sustainable Fisheries. Under the provisions of the Magnuson-Stevens Fishery and Conservation and Management Act (Magnuson-Stevens Act) [16 U.S.C. 1801 *et seq.*], as amended by the Sustainable Fisheries Act [Pub. L. 104-297], the Secretary of Commerce (Secretary) is required to publish a list of all fisheries under authority of each Regional Fishery Management Council (Council) and all such fishing gear used in such fisheries (see section 305(a) of the Magnuson-Stevens Act). The list has been published and appears in 50 CFR part 600.725(v). Any person wishing to use gear not on the list, or engage in a fishery not on the list, must provide the appropriate Council or the Secretary, in the case of Atlantic highly migratory species, with 90 days of advance notice. If the Secretary takes no action to prohibit such a fishery or use of such a gear, the person may proceed.

*Affected Public:* Business or other for-profit organizations.

*Frequency:* As needed.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* Magnuson-Stevens Act.

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648-0346.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.*

[FR Doc. 2021-20490 Filed 9-21-21; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[RTID 0648-XB335]

**Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Approved Monitoring Service Providers**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notification of approved monitoring service providers.

**SUMMARY:** NMFS has approved an additional company to provide Northeast multispecies sector electronic monitoring services in fishing years 2021 and 2022. Regulations implementing the Northeast Multispecies Fishery Management Plan require at-sea and electronic monitoring companies to apply to, and be approved by, NMFS in order to be eligible to provide monitoring services to sectors. This action will allow sectors to contract for at-sea and electronic monitoring services with any of the approved service providers for fishing years 2021 and 2022.

**ADDRESSES:** The list of NMFS-approved sector monitoring service providers is available at: <https://www.fisheries.noaa.gov/resource/data/observer-providers-northeast-and-mid-atlantic-programs>.

**FOR FURTHER INFORMATION CONTACT:**

Claire Fitz-Gerald, Fishery Policy Analyst, (978) 281-9255, email [Claire.Fitz-Gerald@noaa.gov](mailto:Claire.Fitz-Gerald@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Northeast Multispecies Fishery Management Plan includes a requirement for industry-funded monitoring of catch by sector vessels. Sectors must contract with independent third-party service providers to provide at-sea and/or electronic monitoring services to their vessels. In order to provide at-sea or electronic monitoring services to sectors, monitoring companies must apply to, and be approved by, NMFS. The regulations at 50 CFR 648.87(b)(4) describe the criteria for approval of at-sea and electronic monitoring service providers. We approve service providers based on: (1) Completeness and sufficiency of applications; and (2) determination of the applicant's ability to meet the performance requirements of a sector monitoring service provider. Once approved, service providers must meet

specified performance requirements outlined in § 648.87(b)(4), including required coverage levels, in order to maintain eligibility. We must notify service providers, in writing, if NMFS withdraws approval for any reason.

#### Approved Monitoring Service Providers

On February 4, 2021, NMFS approved 6 companies to provide monitoring services to the Northeast multispecies sectors in fishing years 2021 and 2022. Four of the six companies are approved to provide both at-sea and electronic monitoring services: A.I.S., Inc.; East West Technical Services, LLC; Fathom Research, LLC; and Saltwater, Inc. NMFS approved the other two

companies to provide electronic monitoring services: Flywire Cameras and Teem Fish.

Two additional companies also applied to provide electronic monitoring services, but we required additional information to complete their applications prior to making a determination. One company, New England Marine Monitoring, has since submitted a revised and complete application for our consideration. We approved New England Marine Monitoring to provide electronic monitoring services in fishing years 2021 and 2022 because the applicant has met the application requirements

and documented its ability to comply with service provider standards. The revised list of approved monitoring providers for fishing years 2021 and 2022 is provided in Table 1.

There will be an opportunity in the fall of 2021 for additional monitoring companies to apply for approval to provide at-sea and electronic monitoring services in fishing year 2022. We will closely monitor the performance of approved providers, and we will withdraw approval during the current approval term, or disapprove a provider in future fishing years, if we determine performance standards are not being met.

TABLE 1—APPROVED PROVIDERS FOR FISHING YEARS 2021 AND 2022

Provider	Services *	Address	Phone	Fax	Website
A.I.S., Inc .....	ASM/EM	540 Hawthorn St, Dartmouth, MA 02747.	508-990-9054	508-990-9055	<a href="https://aisobservers.com/">https://aisobservers.com/</a> .
East West Technical Services, LLC.	ASM/EM	91 Point Judith Rd., Suite 26 Unit 347, Narragansett, RI 02882.	860-910-4957	860-223-6005	<a href="https://www.ewts.com/">https://www.ewts.com/</a> .
Fathom Resources, LLC.	ASM/EM	855 Aquidneck Ave., Unit 9, Middletown, RI 02842.	508-990-0997	508-991-7372	<a href="https://fathomresources.com/">https://fathomresources.com/</a> .
Flywire Cameras ..	EM	P.O. BOX 55048, Lexington, KY 40511.	888-315-7796	502-861-6568	<a href="https://www.flywirecameras.com/">https://www.flywirecameras.com/</a> .
Saltwater, Inc .....	ASM/EM	733 N St., Anchorage, AK 99501.	907-276-3241	907-258-5999	<a href="https://www.saltwaterinc.com/">https://www.saltwaterinc.com/</a> .
Teem Fish .....	EM	90-425 Carrall St., Vancouver, BC V6B 6E3, Canada.	778-884-2598	.....	<a href="https://teem.fish/">https://teem.fish/</a> .
New England Marine Monitoring.	EM	350 Commercial St., Portland, ME 04101.	508-269-8138	.....	<a href="https://www.nemarinemonitoring.com/">https://www.nemarinemonitoring.com/</a> .

\* ASM/EM = At-sea and electronic monitoring; EM = Electronic monitoring only.

(Authority: 16 U.S.C. 1801 *et seq.*)

Dated: September 16, 2021.

**Jennifer M. Wallace,**  
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021-20463 Filed 9-21-21; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XB406]

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of issuance of Letter of Authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA Regulations for Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico, notification is hereby given that a Letter of Authorization (LOA) has been issued to Anadarko Petroleum Corporation (Anadarko) for the take of marine mammals incidental to geophysical survey activity in the Gulf of Mexico.

**DATES:** The LOA is effective from September 18, 2021 through March 17, 2022.

**ADDRESSES:** The LOA, LOA request, and supporting documentation are available online at: [www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-gulf-mexico](http://www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-gulf-mexico). In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:** Kim Corcoran, Office of Protected Resources, NMFS, (301) 427-8401.

## SUPPLEMENTARY INFORMATION:

### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined "negligible

impact” in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as: Any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively “industry operators”), in Federal waters of the U.S. Gulf of Mexico (GOM) over the course of 5 years (86 FR 5322; January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses. The rule became effective on April 19, 2021.

Our regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat (often referred to as mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

### Summary of Request and Analysis

Anadarko plans to conduct a zero offset vertical seismic profile (VSP) survey after reaching total depth at Lease Block 129 in the Mississippi Canyon. (See map in Section F of

Anadarko’s application.) Anadarko plans to use one of four possible airgun arrays for this survey: A 12-element array, with a total volume of 2,400 cubic inches (in<sup>3</sup>); an array consisting of 6 elements with total volume of 1,500 in<sup>3</sup>; an array consisting of 6 elements, with a total volume of 1,200 in<sup>3</sup>; or an array consisting of 8 elements with a total volume of 1,170 in<sup>3</sup>. Please see Anadarko’s application for additional detail.

Consistent with the preamble to the final rule, the survey effort proposed by Anadarko in its LOA request was used to develop LOA-specific take estimates based on the acoustic exposure modeling results described in the preamble (86 FR 5322, 5398; January 19, 2021). In order to generate the appropriate take number for authorization, the following information was considered: (1) Survey type; (2) location (by modeling zone<sup>1</sup>); (3) number of days; and (4) season.<sup>2</sup> The acoustic exposure modeling performed in support of the rule provides 24-hour exposure estimates for each species, specific to each modeled survey type in each zone and season.

No VSP surveys were included in the modeled survey types, and use of existing proxies (*i.e.*, 2D, 3D NAZ, 3D WAZ, Coil) is generally conservative for use in evaluation of VSP survey effort. Summary descriptions of these modeled survey geometries are available in the preamble to the proposed rule (83 FR 29212, 29220; June 22, 2018). Zero offset VSP surveys are significantly different from modeled survey geometries in that they are conducted from a stationary or near-stationary deployment very close to an active drilling platform. For this survey, the seismic source array will be deployed from a drillship at or near the borehole, with the seismic receivers (*i.e.*, geophones) deployed in the borehole on wireline at specified depth intervals. Use of the 2D proxy for zero offset VSP surveys is expected to be significantly conservative. In addition, all available acoustic exposure modeling results assume use of a 72 element, 8,000 in<sup>3</sup> array. In this case, take numbers authorized through the LOA are considered very conservative (*i.e.*, they likely overestimate take) due to differences in both the airgun array and the survey geometry planned by Anadarko, as compared to those modeled for the rule. The survey is planned to occur for 5 days in Zone 5.

<sup>1</sup> For purposes of acoustic exposure modeling, the GOM was divided into seven zones. Zone 1 is not included in the geographic scope of the rule.

<sup>2</sup> For purposes of acoustic exposure modeling, seasons include Winter (December–March) and Summer (April–November).

Although the survey is planned to occur in September 2021, the LOA is effective from September 18, 2021–March 17, 2022 to account for potential delay. Therefore, the take estimates for each species are based on the season that has the greater value for the species (*i.e.*, winter or summer).

For some species, take estimates based solely on the modeling yielded results that are not realistically likely to occur when considered in light of other relevant information available during the rulemaking process regarding marine mammal occurrence in the GOM. Thus, although the modeling conducted for the rule is a natural starting point for estimating take, our rule acknowledged that other information could be considered (see, *e.g.*, 86 FR 5322, 5442 (January 19, 2021), discussing the need to provide flexibility and make efficient use of previous public and agency review of other information and identifying that additional public review is not necessary unless the model or inputs used differ substantively from those that were previously reviewed by NMFS and the public). For this survey, NMFS has other relevant information reviewed during the rulemaking that indicates use of the acoustic exposure modeling to generate a take estimate for killer whales produces results inconsistent with what is known regarding their occurrence in the GOM. Accordingly, we have adjusted the calculated take estimates for that species as described below.

Killer whales are the most rarely encountered species in the GOM, typically in deep waters of the central GOM (Roberts *et al.*, 2015; Maze-Foley and Mullin, 2006). The approach used in the acoustic exposure modeling, in which seven modeling zones were defined over the U.S. GOM, necessarily averages fine-scale information about marine mammal distribution over the large area of each modeling zone. NMFS has determined that the approach results in unrealistic projections regarding the likelihood of encountering killer whales.

As discussed in the final rule, the density models produced by Roberts *et al.* (2016) provide the best available scientific information regarding predicted density patterns of cetaceans in the U.S. GOM. The predictions represent the output of models derived from multi-year observations and associated environmental parameters that incorporate corrections for detection bias. However, in the case of killer whales, the model is informed by few data, as indicated by the coefficient of variation associated with the abundance predicted by the model

(0.41, the second-highest of any GOM species model; Roberts *et al.*, 2016). The model's authors noted the expected non-uniform distribution of this rarely-encountered species (as discussed above) and expressed that, due to the limited data available to inform the model, it "should be viewed cautiously" (Roberts *et al.*, 2015).

NOAA surveys in the GOM from 1992–2009 reported only 16 sightings of killer whales, with an additional three encounters during more recent survey effort from 2017–18 (Waring *et al.*, 2013; [www.boem.gov/gommapps](http://www.boem.gov/gommapps)). Two other species were also observed on fewer than 20 occasions during the 1992–2009 NOAA surveys (Fraser's dolphin and false killer whale<sup>3</sup>). However, observational data collected by protected species observers (PSOs) on industry geophysical survey vessels from 2002–2015 distinguish the killer whale in terms of rarity. During this period, killer whales were encountered on only 10 occasions, whereas the next most rarely encountered species (Fraser's dolphin) was recorded on 69 occasions (Barkaszi and Kelly, 2019). The false killer whale and pygmy killer whale were the next most rarely encountered species, with 110 records each. The killer whale was the species with the lowest detection frequency during each period over which PSO data were synthesized (2002–2008 and 2009–2015). This information qualitatively informed our rulemaking process, as discussed at 86 FR 5322, 5334 (January 19, 2021), and similarly informs our analysis here.

The rarity of encounter during seismic surveys is not likely to be the product of high bias on the probability of detection. Unlike certain cryptic species with high detection bias, such as *Kogia* spp. or beaked whales, or deep-diving species with high availability bias, such as beaked whales or sperm whales, killer whales are typically available for detection when present and are easily observed. Roberts *et al.* (2015) stated that availability is not a major factor

affecting detectability of killer whales from shipboard surveys, as they are not a particularly long-diving species. Baird *et al.* (2005) reported that mean dive durations for 41 fish-eating killer whales for dives greater than or equal to 1 minute in duration was 2.3–2.4 minutes, and Hooker *et al.* (2012) reported that killer whales spent 78 percent of their time at depths between 0–10 meters (m). Similarly, Kvadsheim *et al.* (2012) reported data from a study of four killer whales, noting that the whales performed 20 times as many dives 1–30 m in depth than to deeper waters, with an average depth during those most common dives of approximately 3 m.

In summary, killer whales are the most rarely encountered species in the GOM and typically occur only in particularly deep water. While this information is reflected through the density model informing the acoustic exposure modeling results, there is relatively high uncertainty associated with the model for this species, and the acoustic exposure modeling applies mean distribution data over areas where the species is in fact less likely to occur. NMFS' determination in reflection of the data discussed above, which informed the final rule, is that use of the generic acoustic exposure modeling results for killer whales will generally result in estimated take numbers that are inconsistent with the assumptions made in the rule regarding expected killer whale take (86 FR 5322, 5403; January 19, 2021). In this case, use of the acoustic exposure modeling produces an estimate of three killer whale exposures. Given the foregoing, it is unlikely that even one killer whale would be encountered during this 5-day survey, and accordingly no take of killer whales is authorized through this LOA.

Based on the results of our analysis, NMFS has determined that the level of taking expected for this survey and authorized through the LOA is consistent with the findings made for the total taking allowable under the regulations. See Table 1 in this notice

and Table 9 of the final rule (86 FR 5322; January 19, 2021).

### Small Numbers Determination

Under the GOM rule, NMFS may not authorize incidental take of marine mammals in an LOA if it will exceed "small numbers." In short, when an acceptable estimate of the individual marine mammals taken is available, if the estimated number of individual animals taken is up to, but not greater than, one-third of the best available abundance estimate, NMFS will determine that the numbers of marine mammals taken of a species or stock are small. For more information please see NMFS' discussion of the MMPA's small numbers requirement provided in the final rule (86 FR 5322, 5438; January 19, 2021).

The take numbers for authorization, which are determined as described above, are used by NMFS in making the necessary small numbers determinations, through comparison with the best available abundance estimates (see discussion at 86 FR 5322, 5391; January 19, 2021). For this comparison, NMFS' approach is to use the maximum theoretical population, determined through review of current stock abundance reports (SAR; [www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments](http://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments)) and model-predicted abundance information (<https://seamap.env.duke.edu/models/Duke/GOM/>). For the latter, for taxa where a density surface model could be produced, we use the maximum mean seasonal (*i.e.*, 3-month) abundance prediction for purposes of comparison as a precautionary smoothing of month-to-month fluctuations and in consideration of a corresponding lack of data in the literature regarding seasonal distribution of marine mammals in the GOM. Information supporting the small numbers determinations is provided in Table 1.

TABLE 1—TAKE ANALYSIS

Species	Authorized take <sup>1</sup>	Abundance <sup>2</sup>	Percent abundance
Bryde's whale <sup>3</sup> .....	0	51	n/a
Kogia sp .....	466	4,373	1.5
Beaked whales .....	944	3,768	25.1
Bottlenose dolphin .....	648	176,108	0.4
Short-finned pilot whale .....	70	1,981	3.5
Sperm whale .....	178	2,207	8.1
Atlantic spotted dolphin .....	245	74,785	0.3

<sup>3</sup> However, note that these species have been observed over a greater range of water depths in the GOM than have killer whales.

TABLE 1—TAKE ANALYSIS—Continued

Species	Authorized take <sup>1</sup>	Abundance <sup>2</sup>	Percent abundance
Clymene dolphin .....	379	11,895	3.2
False killer whale .....	78	3,204	2.4
Fraser's dolphin .....	<sup>5</sup> 65	1,665	2.5
Killer whale .....	0	267	n/a
Melon-headed whale .....	243	7,003	3.5
Pantropical spotted dolphin .....	1,719	102,361	1.7
Pygmy killer whale .....	49	2,126	2.3
Risso's dolphin .....	114	3,764	3.0
Rough-toothed dolphin .....	113	4,853	2.3
Spinner dolphin .....	461	25,114	1.8
Striped dolphin .....	148	5,229	2.8

<sup>1</sup> Scalar ratios were not applied in this case due to brief survey duration.

<sup>2</sup> Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Roberts *et al.*, 2016). For those taxa where a density surface model predicting abundance by month was produced, the maximum mean seasonal abundance was used. For those taxa where abundance is not predicted by month, only mean annual abundance is available. For Rice's whale and killer whale, the larger estimated SAR abundance estimate is used.

<sup>3</sup> The final rule refers to the GOM Bryde's whale (*Balaenoptera edeni*). These whales were subsequently described as a new species, Rice's whale (*Balaenoptera ricei*) (Rosel *et al.*, 2021).

<sup>4</sup> Includes 1 take by Level A harassment and 65 takes by Level B harassment.

<sup>5</sup> Modeled take of 41 increased to account for potential encounter with group of average size (Maze-Foley and Mullin, 2006).

Based on the analysis contained herein of Anadarko's proposed survey activity described in its LOA application and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the affected species or stock sizes (*i.e.*, less than one-third of the best available abundance estimate) and therefore the taking is of no more than small numbers.

#### Authorization

NMFS has determined that the level of taking for this LOA request is consistent with the findings made for the total taking allowable under the incidental take regulations and that the amount of take authorized under the LOA is of no more than small numbers. Accordingly, we have issued an LOA to Anadarko authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: September 16, 2021.

**Kimberly Damon-Randall,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 2021-20465 Filed 9-21-21; 8:45 am]

BILLING CODE 3510-22-P

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[RTID 0648-XB437]

##### Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of Seminar Series presentation.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) will host a presentation on Tuna Management Strategy Evaluation via webinar October 12, 2021.

**DATES:** The webinar presentation will be held on Tuesday, October 12, 2021, from 1 p.m. until 2:30 p.m.

#### ADDRESSES:

*Meeting address:* The presentation will be provided via webinar. The webinar is open to members of the public. Information, including a link to webinar registration will be posted on the Council's website at: <https://safmc.net/safmc-meetings/other-meetings/> as it becomes available.

*Council address:* South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

**FOR FURTHER INFORMATION CONTACT:** Kim Iverson, Public Information Officer, SAFMC; phone: (843) 302-8439 or toll free: (866) SAFMC-10; fax: (843) 769-4520; email: [kim.iverson@safmc.net](mailto:kim.iverson@safmc.net).

**SUPPLEMENTARY INFORMATION:** The Council will host a presentation from National Marine Fisheries Service on Tuna Management Strategy Evaluation (MSE). The Council is considering using MSEs in future management and this will provide a background on how MSEs have been used in other fisheries. A question and answer session will follow the presentation. Members of the public will have the opportunity to participate in the discussion. The presentation is for informational

purposes only and no management actions will be taken.

#### Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the meeting.

*Note:* The times and sequence specified in this agenda are subject to change.

*Authority:* 16 U.S.C. 1801 *et seq.*

Dated: September 17, 2021.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2021-20529 Filed 9-21-21; 8:45 am]

BILLING CODE 3510-22-P

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[RTID 0648-XB436]

##### Pacific Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Pacific Fishery Management Council's (Pacific Council) Highly Migratory Species Management Team (HMSMT) is holding a meeting, which is open to the public.

**DATES:** The online meeting will be held on Tuesday, October 12, 2021, beginning at 1 p.m. (Pacific Daylight

Time) until business is completed and continues Wednesday, October 13, 2021, beginning at 9 a.m. (Pacific Daylight Time) and concluding when business is completed.

**ADDRESSES:** This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see [www.pcouncil.org](http://www.pcouncil.org)). You may send an email to Mr. Kris Kleinschmidt ([kris.kleinschmidt@noaa.gov](mailto:kris.kleinschmidt@noaa.gov)) or contact him at (503) 820-2412 for technical assistance.

**Council address:** Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

**FOR FURTHER INFORMATION CONTACT:** Kit Dahl, Staff Officer, Pacific Council; telephone: (503) 820-2422.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is for the HMSMT to discuss the contents of reports it would submit to the Pacific Council on topics included on the November 2021 Pacific Council meeting and future Pacific Council meetings. Potential topics include, but are not limited to, a range of alternatives for hard caps for the California large mesh driftnet fishery and updates to the Pacific Council's Swordfish Management and Monitoring Plan. The HMSMT may also discuss other HMS-related topics not currently scheduled on Pacific Council meeting agendas. A detailed agenda for this meeting, including topics and estimated times, will be posted to the Pacific Council website in advance of the meeting.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

#### Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt ([kris.kleinschmidt@noaa.gov](mailto:kris.kleinschmidt@noaa.gov); (503) 820-2412) at least 10 days prior to the meeting date.

*Authority:* 16 U.S.C. 1801 *et seq.*

Dated: September 17, 2021.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2021-20531 Filed 9-21-21; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XB434]

#### Pacific Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Pacific Fishery Management Council's (Pacific Council) Ad Hoc Southern Oregon Northern California Coast (SONCC) Coho Workgroup (Workgroup) will host an online meeting that is open to the public.

**DATES:** The online meeting will be held Wednesday and Thursday, October 13-14, 2021, from 9 a.m. until 5 p.m. Pacific Daylight Time, or until business for the day has been completed.

**ADDRESSES:** This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see [www.pcouncil.org](http://www.pcouncil.org)). You may send an email to Mr. Kris Kleinschmidt ([kris.kleinschmidt@noaa.gov](mailto:kris.kleinschmidt@noaa.gov)) or contact him at (503) 820-2412 for technical assistance.

**Council address:** Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

**FOR FURTHER INFORMATION CONTACT:** Ms. Robin Ehlke, Staff Officer, Pacific Council; telephone: (503) 820-2410.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting will be to incorporate Pacific Council guidance from its September 2021 meeting in relevant modeling and analyses needed to update the current risk assessment and harvest control rule alternatives for consideration at the November 2021 Pacific Council meeting. The Workgroup may also discuss and prepare for future Workgroup meetings and future meetings with the Pacific Council and its advisory bodies.

Although non-emergency issues not contained in the meeting agenda may be

discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

#### Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt ([kris.kleinschmidt@noaa.gov](mailto:kris.kleinschmidt@noaa.gov); (503) 820-2412) at least 10 days prior to the meeting date.

*Authority:* 16 U.S.C. 1801 *et seq.*

Dated: September 17, 2021.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2021-20532 Filed 9-21-21; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Questionnaire for National Oceanic and Atmospheric Administration Federal Financial Assistance Applicants

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on June 8, 2021 (86 FR 30445) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

**Agency:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**Title:** Questionnaire for National Oceanic and Atmospheric Administration Federal Financial Assistance Applicants.



OMB Control Number: 0648–0538.

Form Number(s): None.

Type of Request: Regular [Revision and extension of a current information collection.].

Number of Respondents: 736.

Average Hours per Response: 3 hours.

Total Annual Burden Hours: 2,208 hours.

**Needs and Uses:** This request is for a revision and extension of a currently approved information collection through the *Environmental Compliance Questionnaire for National Oceanic and Atmospheric Administration Federal Financial Assistance Applicants* (Questionnaire). This Questionnaire is used by the National Oceanic and Atmospheric Administration (NOAA) to collect information about proposed activities for the purpose of complying with the National Environmental Policy Act (“NEPA,” 42 U.S.C. 4321–4370) and other environmental compliance requirements associated with proposed activities. NEPA requires federal agencies to complete an environmental analysis for all major federal actions, including funding non-federal activities through federal financial assistance awards where federal participation in the funded activity is expected to be significant. The Questionnaire is used in conjunction with NOAA Notices of Funding Opportunity (NOFO).

The NOFO will indicate the specific questions to which an applicant must respond in one of three ways: (1) The applicable questions are inserted directly into the NOFO with reference to the OMB Approval Number (0648–0538) for this form; (2) the NOFO will specify which questions (e.g., 1, 2) an applicant must answer, with the entire OMB-approved Questionnaire attached to the NOFO; or (3) applicants to be recommended for funding will be required to answer relevant questions from the Questionnaire. The federal program officer will determine which questions are relevant to each specific applicant. Answers must be provided before the application can be submitted for final funding approval. This Questionnaire has been revised to (1) remove repetitive questions; (2) revise specific questions to use plain language; and (3) add 18 new questions that would be helpful to a wider range of NOAA programs.

**Affected Public:** Individuals or households; Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government.

**Frequency:** Required when responding to a NOFO.

**Respondent's Obligation:** Required to Obtain or Retain Benefits.

**Legal Authority:** National Environmental Policy Act (42 U.S.C. 4321–4370).

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0538.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.*

[FR Doc. 2021–20486 Filed 9–21–21; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Submission of Conservation Efforts To Make Listings Unnecessary Under the Endangered Species Act

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of Information Collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of a request for extension of a currently approved information collection to the Office of Management and Budget (OMB).

**DATES:** To ensure consideration, comments regarding this proposed extension of an information collection must be received on or before November 22, 2021.

**ADDRESSES:** Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at [Adrienne.thomas@noaa.gov](mailto:Adrienne.thomas@noaa.gov). Please reference OMB Control Number 0648–0466 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Lisa Manning, National Marine Fisheries Service at 301–427–8466 or [Lisa.Manning@noaa.gov](mailto:Lisa.Manning@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The National Marine Fisheries Service (NMFS), Office of Protected Resources, is sponsoring a request for extension of a currently approved information collection.

Under the Endangered Species Act (ESA), determinations whether to list species as endangered or threatened must be based on the best scientific and commercial data available, including consideration of those efforts, if any, being made by any state or foreign nation (or any of their political subdivisions) to protect the particular species. On March 28, 2003, NMFS and the U.S. Fish and Wildlife Service (the “Services”) announced a final policy on the criteria the Services will use to evaluate certain conservation efforts by states, tribes, and other non-federal entities when making listing determinations under the ESA (68 FR 15100). The conservation efforts usually involve the development of a conservation plan or agreement, procedures for monitoring the effectiveness of the plan or agreement, and an annual report.

The development of conservation plans could prevent some species from becoming so imperiled that the only recourse is to add them to the list of threatened and endangered species under the Endangered Species Act. The purpose of this policy is to encourage such plans and to give applicants guidance about how NMFSs will evaluate such plans. This policy identifies criteria for evaluating the certainty of implementation and effectiveness of a conservation effort. NMFS developed this policy to ensure consistent and adequate evaluation of agreements and plans in making listing decisions and to help States and other entities develop agreements and plans that will be adequate to make listing species unnecessary.



## II. Method of Collection

NMFS does not require, but does accept, conservation plans and reports electronically. NMFS has not developed a form to be used for submission of plans or reports. In the past, NMFS has made plans and annual reports from states available through the internet and plans to continue this practice.

## III. Data

*OMB Control Number:* 0648–0466.

*Form Number(s):* None.

*Type of Review:* Regular submission (extension of a currently approved information collection).

*Affected Public:* Business or other for-profit organizations; State, local or tribal governments.

*Estimated Number of Respondents:* 1.

*Estimated Time per Response:* 2,500 hours to complete each agreement or plan that has the intention of making listing unnecessary; 320 hours to conduct monitoring for successful agreements; and 80 hours to prepare a report for successful agreements.

*Estimated Total Annual Burden Hours:* 3,300.

*Estimated Total Annual Cost to Public:* \$150.

*Respondent's Obligation:* Voluntary.

*Legal Authority:* ESA (16 U.S.C. 1533).

## IV. Request for Comments

We are soliciting public comments to permit NMFS to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this information collection request. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying

information from public review, we cannot guarantee that we will be able to do so.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.*

[FR Doc. 2021–20488 Filed 9–21–21; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XB358]

#### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Elkhorn Slough Tidal Marsh Restoration Project, Phase III in Monterey County, California

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; issuance of an incidental harassment authorization.

**SUMMARY:** In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the California Department of Fish and Wildlife (CDFW) to incidentally harass, by Level B harassment only, marine mammals during restoration activity associated with the Elkhorn Slough Tidal Marsh Restoration Project, Phase III, in Monterey Bay, California.

**DATES:** This authorization is effective from September 16, 2021 through September 15, 2022.

**FOR FURTHER INFORMATION CONTACT:** Kim Corcoran, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the original application and supporting documents (including NMFS FR notices of the prior authorizations), as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. In case of problems accessing these documents, please call the contact listed above.

#### SUPPLEMENTARY INFORMATION:

##### Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce

(as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

#### Summary of Request

On June 14, 2021, NMFS received a request from CDFW for an IHA to take marine mammals incidental to the Elkhorn Slough Restoration Project, Phase III, at the Seal Bend Restoration Area in Monterey County, CA. The application was deemed adequate and complete on July 27, 2021. CDFW's request is for take of a small number of Pacific harbor seals (*Phoca vitulina*) by Level B harassment only. Neither CDFW nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

NMFS previously issued an IHA to CDFW for Phase I (82 FR 16800; April 6, 2017) and Phase II (85 FR 14640; March 13, 2020) of the Elkhorn Slough Restoration Project. Restoration work under the 2020 IHA at the Minhoto-Hester and Seal Bend restoration areas was expected to be completed within 180 days within the 1-year timeframe of the IHA. However, on May 3, 2021 CDFW informed NMFS that the estimated 180 days of construction for both the Minhoto-Hester and Seal Bend Restoration Areas would not be enough to complete the project. This preliminary estimate did not adequately

account for variable weather conditions experienced during construction (*e.g.*, wet weather and soils required extensive reworking of fill), the amount of time to haul material from the borrow area to the fill location, or contractor availability which resulted in a smaller crew than initially expected. Therefore, only 118 days of construction occurred under the initial IHA. To cover the remaining work at the Minhoto-Hester Restoration Area, CDFW requested an IHA Renewal. NMFS published a notice of a proposed IHA Renewal and request for comments in the **Federal Register** on June 8, 2021 to complete the remaining 62 days of work (86 FR 30412) (Hereafter referred to as the 2021 Renewal). We subsequently published the final notice of our issuance of the IHA Renewal on July 7, 2021 (86 FR 35751).

As work at the Seal Bend Restoration Area had not begun and could not be covered by the 2021 Renewal, CDFW requested that a new IHA be issued that would be valid for one year from the date of issuance. Under this new IHA, CDFW would conduct 240 days of work to restore 28.6 acres (11.57 hectares) of tidal marsh habitat in the Seal Bend Restoration Area. The project would include the use of haul trucks and heavy earthmoving equipment to transport dry material out onto the marsh. The project activities will not differ from the 2020 IHA other than the number of construction days, and the means of calculating take.

#### Description of the Specified Activity

The Elkhorn Slough Tidal Marsh Restoration Project (project) plans to restore approximately 122 acres (49.37) of tidal marsh across three phases, all of which are located in Monterey County, California. This IHA covers take incidental to Phase III of the project, which will restore 28.6 acres (11.57 hectares) at the Seal Bend Restoration Area. Similar to previous project phases, Phase III will relocate soil from an upland area called “the borrow” through use of heavy earth moving equipment, within a 12-month period. Construction activities are expected to produce airborne noise and visual disturbance that have the potential to result in behavioral harassment of Pacific harbor seals (*Phoca vitulina*). NMFS is authorizing take, by Level B Harassment, of Pacific harbor seals as a result of the specified activity.

A detailed description of the planned restoration project is provided in the **Federal Register** notice for the proposed IHA (86 FR 43204; August 6, 2021). Since that time, no changes have been made to the planned restoration activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

#### Comments and Responses

A notice of NMFS’s proposal to issue an IHA to CDFW was published in the **Federal Register** on August 6, 2021 (86 FR 43204). That notice described, in detail, CDFW’s activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. During the 30-day public comment period, NMFS received no comments.

#### Description of Marine Mammals in the Area of Specified Activities

A description of the marine mammals in the area of the activities is found in the 2020 IHA, which remains applicable to the proposed 2021–2022 IHA as well. In addition, NMFS has reviewed recent 2020 Stock Assessment Reports, information on relevant Unusual Mortality Events, and recent scientific literature, and determined that no new information affects our original analysis of impacts under this IHA. Please refer to the previous **Federal Register** notices for the 2020 IHA for these descriptions. Please also refer to NMFS’ website ([www.nmfs.noaa.gov/pr/species/mammals/](http://www.nmfs.noaa.gov/pr/species/mammals/)) for generalized species accounts.

#### Potential Effects of Specified Activities on Marine Mammals and Their Habitat

A description of the potential effects of the specified activities on marine mammals and their habitat may be found in the documents supporting the 2020 IHA, which remains applicable to the issuance of the 2021–2022 IHA. The effects of CDFW’s activities have the potential to result in behavioral harassment of marine mammals in the vicinity of the project area. The notice of proposed IHA (86 FR 43204; August 6, 2021) included a discussion of the effects of anthropogenic activity on marine mammals and their habitat. That information and analysis is incorporated by reference into this final IHA determination and is not repeated here; please refer to the notice of proposed IHA (86 FR 43204; August 6, 2021).

#### Estimated Take

A detailed description of the previous methods and inputs used to estimate authorized take is found in the 2020 IHA. The total number of construction days and the method of estimating take have been modified from the 2020 IHA to reflect construction delays as discussed above and the monitoring data received under the 2020 IHA. The source levels and marine mammal occurrence and density remain unchanged from the 2020 IHA and detailed information regarding these figures can be found in the proposed and issued 2020 IHA.

#### Take Calculation and Estimates

To repeat how take was calculated in the 2020 IHA, we used the total number of seals taken during Phase I construction (*i.e.*, 62 seals) divided by the sum of the daily average number of seals observed hourly during Phase I. That percentage (8.79 percent) was rounded to 9 percent and multiplied by the sum of the highest daily count of seals observed by the Reserve Otter Monitoring Projects at all observation areas between January 2018 and April 2019 (*i.e.*, 417). That number was multiplied by the total number of construction days to arrive at the total take estimate that was used.

For the Phase III project, we have additional monitoring data that more accurately reflects the amount of take that occurs during this type of restoration activity. In particular we now have data that suggests the maximum number of seals taken per day within 300 m of construction activity has been 8, which occurred on September 8, 2020 (Table 1). Therefore, we propose to use that maximum number of seals taken per day to estimate take using the following formula:

$$\text{Total Take Estimate} = \text{Max \# of seals taken per day} * \text{\# of Construction Days}$$

The average total individual takes per day for Phase II was 1.33 which is considerably lower than the maximum number of seals taken per day (8) (Table 1). Therefore we believe this approach is adequately precautionary and reflects likely expected take. Using this approach, a summary of estimated takes of harbor seals incidental to the project activities are provided in Table 2.

TABLE 1—PHASE II HARBOR SEAL DISTURBANCE DATA—NUMBER OF SEALS EXPERIENCING LEVEL B HARASSMENT

Date	Distance (m)	Total individuals harassed <sup>1</sup>
9/2/2020 .....	300m	0
9/8/2020 .....	150m	0
9/8/2020 .....	150m	0
9/9/2020 .....	60m	0
9/10/2020 .....	60m	0
9/15/2020 .....	60m	1
9/21/2020 .....	60m	0
9/21/2020 .....	60m	2
11/9/2020 .....	300m	1
3/17/2021 .....	200m	5
3/24/2021 .....	60m	1
3/24/2021 .....	60m	1
4/5/2021 .....	80m	2
4/5/2021 .....	60m	1
4/14/2021 .....	80m	2
9/2/2020 .....	60m	0
9/3/2020 .....	20m	1
9/8/2020 .....	80m	8
9/9/2020 .....	40m	0
9/16/2020 .....	100m	1
9/22/2020 .....	40m	0
10/19/2020 .....	40m	2
10/28/2020 .....	100m	0
11/5/2020 .....	60m	0
12/3/2020 .....	80m	1
12/16/2020 .....	60m	7
5/4/2021 .....	80m	0
Total .....	.....	36

<sup>1</sup> "Total Seals Taken" = the number of seals that moved or flushed during the incident. Alert responses are not considered to be takes.

TABLE 2—CALCULATED TAKE AND PERCENTAGE OF STOCK EXPOSED

Authorized Take

Species	Level B	Level A	Percent of stock <sup>3</sup>
Pacific Harbor Seal .....	8 max seals taken per day <sup>1</sup> *(240 days <sup>2</sup> )= 1920 .....	0	6.2

<sup>1</sup> Maximum number of seals harassed/taken in one day during Phase II.

<sup>2</sup> Number of construction days at the Seal Bend Restoration Area.

<sup>3</sup> Data from U.S. Pacific Marine Mammal Stock Assessments: 2014 (Carretta *et al.*, 2015) (Abundance = 30,968).

### Mitigation, Monitoring and Reporting Measures

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or

stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation

(probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

### Description of Mitigation

Some of the mitigation measures are identical to those included in the FR Notice announcing the final 2020 IHA and detailed descriptions of these requirements can be found in that document. However, a few requirements have been updated to reflect NMFS more recent construction requirements and those changes are discussed in

detail below and are required for this project:

Visual Monitoring—CDFW must fulfill monitoring requirements as described below. Required monitoring must be conducted by dedicated, trained, NMFS-approved Protected Species Observer(s) (PSO(s)). CDFW must monitor the project area to the maximum extent possible based on the required number of PSOs, required monitoring locations, and environmental conditions.

- Level B Harassment Zone—PSOs shall establish a Level B harassment zone within 300 m of all construction activities.

- When construction activities occur either, (1) in water or; (2) within the boundaries of the Seal Bend Restoration Area (Phase III) identified in Figure 2, monitoring must occur every other day when work is occurring.

- When construction activities occur near the “borrow” area where marsh fill material is gathered, monitoring must occur every fifth day when work is occurring within 300 m from seal haulouts or, if outside this area, when work is occurring less than 200 m from the water. Occurrence of marine mammals within the Level B harassment zone must be communicated to the construction lead to prepare for the potential shutdown when required.

#### *Description of Monitoring and Reporting*

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.*, presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through

better understanding of: (1) Action or environment (*e.g.*, source characterization, propagation, ambient noise); (2) affected species (*e.g.*, life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.*, age, calving or feeding areas);

- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;

- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;

- Effects on marine mammal habitat (*e.g.*, marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and

- Mitigation and monitoring effectiveness. Changes from the 2020 IHA include:

- 5(g)(v)(10): Notes should include any of the following information to the extent it is feasible to record:
  - Age-class;
  - Sex;
  - Unusual activity or signs of stress;
  - Activity of seals observed within hour timeframe (*e.g.*, resting, swimming, etc.) and approximate number of seals that have arrived or left since last hourly count; and
  - Any other information worth noting; and

- 6(a): The Holder must submit its draft report(s) on all monitoring conducted under this IHA within 90 calendar days of the completion of monitoring or 60 calendar days prior to the requested issuance of any subsequent IHA for construction activity at the same location, whichever comes first. A final report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report. If no comments are received from NMFS within 30 calendar days of receipt of the draft report, the report shall be considered final.

The rest of monitoring and reporting measures are identical to those included in the FR Notice announcing the final 2020 IHA and detailed descriptions of these requirements can be found in that document.

#### **Negligible Impact Analysis and Determination**

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be

reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.*, population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be “taken” through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.*, intensity, duration), the context of any responses (*e.g.*, critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS’s implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.*, as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

Construction activities associated with this project have the potential to disturb or displace marine mammals. No serious injury or mortality is expected, and with mitigation we expect to avoid any potential for Level A Harassment as a result of the Seal Bend construction activities for Phase III. The specified activities may result in take, in the form of Level B harassment (behavioral disturbance) only, from visual disturbance and/or noise from construction activities. The project area is within a portion of the local, year round, habitat for harbor seals of the greater Elkhorn Slough. Behavioral disturbance associated with these activities are expected to affect only a small amount of the total population, although those effects could be recurring over the life of the project if the same individuals remain in the project vicinity. Harbor seals may avoid the area or halt any behaviors (*e.g.*, resting) when exposed to anthropogenic noise or visual disturbance. Due to the abundance of suitable and, in some cases, newly restored haulout habitat available in the greater Elkhorn Slough, the short-term displacement of resting

harbor seals is not expected to affect the overall fitness of any individual animal.

Effects on individuals that are taken by Level B Harassment, on the basis of reports in the literature as well as monitoring from previous phases and other similar activities, will likely be limited to reactions such as displacement from the area or disturbance during resting. The construction activities analyzed here, such as equipment used, construction approach, and turbidity management, are the same as those activities previously analyzed under the 2017 and 2020 IHAs. Both Phase I and Phase II of the project reported no injuries or mortality to marine mammals as a result of the construction activities, and no known long-term adverse consequences from behavioral harassment have been documented. Repeated exposures of individuals to levels of noise or visual disturbance at these levels, though they may cause Level B Harassment, are unlikely to result in hearing impairment or significant disruption of foraging behaviors. Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (*i.e.*, 24 hour cycle), and behavioral reactions (such as disruption of critical life functions, displacement, or avoidance of important habitat) are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.*, 2007). However, Pacific harbor seals have been hauling out at Elkhorn slough for several years (including during pupping season and while females are pregnant), despite the presence of anthropogenic noise and activities such as vessel traffic, Union Pacific Railroad (UPRR) trains, and human voices from kayaking and recreational activities. Harbor seals have repeatedly hauled out to rest (inside and outside the project area) or pup (outside of the project area) despite these potential stressors. The activities are not expected to result in the alteration of reproductive or feeding behaviors. It is not likely that neonates will be in the project area as females prefer to keep their pups along the main channel of Elkhorn Slough, which is outside the area expected to be restored by project activities (Figure 2). Seals are primarily foraging outside of Elkhorn Slough and at night in Monterey Bay, outside the project area, and during times when construction activities are not occurring.

Pacific harbor seals, as the only potentially affected marine mammal species under NMFS jurisdiction in the action area, are not listed as threatened or endangered under the ESA and NMFS SARs for this stock has shown to

be increasing in population size and is considered stable (Caretta *et al.*, 2015). Even repeated Level B Harassment of some small subset of the overall stock is unlikely to result in any significant decrease in viability for the affected individuals, and thus will not result in any adverse impacts to the stock as a whole. The restoration of the marsh habitat will have no adverse effect on marine mammal habitat, but possibly a long-term beneficial effect on harbor seals by improving ecological function of the slough, including higher species diversity, increase species abundance, larger fish, and improved habitat.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality is anticipated or authorized;
- No Level A Harassment is anticipated or authorized;
- Anticipated incidents of Level B Harassment consist of, at worst, temporary modifications in behavior;
- Primary foraging and reproductive habitat are outside of the project area and not expected to result in the alteration of habitat important to these behaviors or substantially impact the behaviors themselves. There is alternative haulout habitat just outside the footprint of the construction area, along the main channel of Elkhorn Slough, and in Parson's Slough, often the preferred pupping grounds in recent years (per comm Jim Harvey 2019), that will be available for seals while some of the haulouts are inaccessible;
- Restoration of the marsh habitat will have no adverse effect on marine mammal habitat, but possibly a long-term beneficial effect;
- Presumed efficacy of the mitigation measures in reducing the effects of the specified activity to the level of least practicable impact; and
- These stocks are not listed under the ESA or considered depleted under the MMPA.

In combination, we believe that these factors, as well as the available body of evidence from previous phases of the project and other similar activities, demonstrate that the potential effects of the specified activities will have only short-term effects on a relatively small portion of the entire California stock. The specified activities are not expected to impact rates of recruitment or survival and will therefore not result in population-level impacts.

Based on the analysis contained herein of the likely effects of the

specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the activity will have a negligible impact on all affected marine mammal species or stocks.

### Small Numbers

As noted above, only small numbers of incidental take may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

For the Phase III of the Elkhorn Slough Tidal Marsh Restoration Project, the authorized take (if we conservatively assume that each take occurred to a new animal, which is unlikely) comprises approximately 6.2 percent of the abundance of Pacific harbor seals in the California Stock. Therefore, based on the analysis herein of the activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stock.

### Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stock or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

### National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our action (*i.e.*, the issuance of an IHA) with

respect to potential impacts on the human environment.

The current action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental harassment authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review just as previous phases of the project did.

We have reviewed all comments submitted in response to the proposed IHA notice to conclude our NEPA process and make a final decision on the IHA request.

#### Endangered Species Act (ESA)

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is for authorization or expected to result from this activity in the Elkhorn Slough Reserve. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

#### Authorization

As a result of these determinations, NMFS has issued an IHA to CDFW for the potential harassment of small numbers of harbor seals incidental to conducting restoration activities at the Seal Bend Restoration Area in Elkhorn Slough (Monterey County, CA), provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: September 16, 2021.

**Kimberly Damon-Randall,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 2021-20466 Filed 9-21-21; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Weather and Society Survey, and Using Quick Response Surveys To Build a Public Perception and Response Database

**AGENCY:** National Oceanic & Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of information collection, revised request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before November 22, 2021.

**ADDRESSES:** Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at [Adrienne.thomas@noaa.gov](mailto:Adrienne.thomas@noaa.gov). Please reference OMB Control Number 0648-xxxx in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or specific questions related to collection activities should be directed to Nicole Kurkowski, R2O Team Lead, DOC/NOAA/NWS/OSTI, 1325 East-West Highway, Silver Spring, MD 20910, 301.427.9104, [nicole.kurkowski@noaa.gov](mailto:nicole.kurkowski@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

A notice of request for a new information collection was previously published in the **Federal Register** on August 19, 2021 (86 FR 46681) regarding this collection. This revised notice incorporates an additional collection of information and this notice will allow for an additional 60 days for public comment.

In alignment with the Weather Forecasting and Innovation Act of 2017

(Pub. L. 115-25), two data collections are proposed under this request. There are no other collections for which these can be merged.

The first proposed information collection request is sponsored by DOC/NOAA/National Weather Service (NWS)/Office of Science and Technology Integration (OSTI). Currently, NOAA lacks data and data collection instruments that articulate and explicate how individuals receive, interpret, and respond to NOAA information, forecasts, and warnings for severe, winter, and tropical weather hazards. Furthermore, NOAA lacks this type of data longitudinally (*i.e.*, collected over time). Without this type of longitudinal data, NOAA, and the NWS specifically, cannot determine if it has met its mission of saving lives and property, propose societal impact performance metrics, nor demonstrate if progress or improvements have been made, as outlined in the Weather Research and Forecasting Innovation Act of 2017. This effort aims to advance the Tornado Warning Improvement and Extension Program (TWIEP)'s goal to "reduce the loss of life and economic losses from tornadoes through the development and extension of accurate, effective, and timely tornado forecasts, predictions, and warnings, including the prediction of tornadoes beyond one hour in advance (Pub. L. 115-25)". This work addresses NOAA's 5-year Research and Development Vision Areas (2020-2026) Section 1.4 (FACETs). The Weather and Society Survey also advances the findings of the National Academy of Science 2012 report, "Assessment of the NWS Modernization Program", in reference to NWS' "chain of events associated with a tornado warning" (p52). This effort also advances the NWS Strategic Plan (2019-2022) "Transformative Impact-Based Decision Support Services (IDSS) and Research to Operations and Operations to Research (R2O/O2R). Furthermore, the Survey furthers the NWS Weather Ready Nation (WRN) Roadmap (2013) Sections 1.1.1, 1.1.2, 1.1.3, 1.1.8, and 3.1.4.

This information would be collected at the Cooperative Institute for Mesoscale Meteorological Studies (CIMMS) and the University of Oklahoma's Center for Risk and Crisis Management (CRCM), who has developed data collection instruments that would allow for more routine and longitudinal data collection, as the data will be collected on an annual basis. Furthermore, this team has developed interactive "dashboards", or tools, to visualize the aggregated data.

Respondents include adults (age 18+) who reside in the United States, recruited by survey companies that maintain large panels of people who sign up to complete internet surveys, such as Qualtrics and Survey Sampling International. Respondents will be asked questions about the ways they have received, interpreted, and responded to NWS information, forecasts, and warnings for severe, tropical, and winter weather hazards. Questions about preparedness for specific hazards such as heat waves, tornadoes, and drought may also be included. This data collection serves many purposes, including gaining a better understanding of how key factors within a given population, or organization, vary over time, location, and across different groups; the ability to detect gradual trends or abrupt changes in those factors over time or in response to particular events; and the potential to explore possible correlations and causal relationships with other observed variables of interest. These data will be used by the OSTI in NWS to develop a baseline and performance metrics to improve the information and services it provides and to help members of the weather enterprise answer basic questions about the people in the communities they serve, which is a necessary step towards customizing and improving risk communication, education, and decision support to meet the characteristics of the community, including those in vulnerable populations. The information collected will help identify differences and best practices between communities and assist NWS in developing new education and risk communication strategies. The survey data and its associated dashboard will serve as interactive tools to allow NWS forecasters, partners, and policymakers to access and explore data for training and performance evaluation purposes.

The second proposed collection is sponsored through NOAA's FY2021 Weather Program Office's Social Science Program, and addresses the Social, Behavioral, and Economic Sciences (SBES) component of meeting NOAA's Research and Development (R&D) Vision Areas (2020–2026) to integrate SBES into products, tools, and services that improve weather and air quality forecasting and societal outcomes.

This proposal aims to create an online survey system for collecting data on the public's perception and response to four different hazards: Tornadoes, thunderstorm winds over 70 miles per hour (mph), flash floods, and winter weather. The online surveys will be the

building blocks for a multi-year, cross-sectional database on human perception and response. The survey system will enable individual National Weather Service Weather Forecast Offices (WFOs) to disseminate Quick Response Surveys (QRS) soon after a hazardous event occurs to collect perishable data on the public's perceptions and response. Select WFOs will distribute the QRSs using web links on NWS social media and core partners' social media or email lists. Surveys will ask the public questions on timing, location, weather information sources, motivations and influences for taking protective action to gain insights into how NWS warning communications interact with these factors to result in protective action behaviors.

## II. Method of Collection

For the first collection, the primary method of data collection will be a web-based survey interface. Specific questions in the surveys determine how members of the U.S. public receive, comprehend, and respond to severe, tropical, and winter weather related information. Furthermore, these survey items will be translated to Spanish.

The second collection will include online surveys to be implemented and aggregated using Qualtrics survey software. The surveys will be displayed on a desktop, tablet or mobile device allowing the public to take the survey whenever they have internet access. Select WFOs will distribute the QRSs using web links on NWS social media and core partners' social media or email lists.

## III. Data

*OMB Control Number:* 0648–XXXX.

*Form Number(s):* None.

*Type of Review:* Regular (New information collection).

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 101,000.

*Estimated Time per Response:* Response time varies depending on the survey instrument, but the typical response time is between 10 and 20 minutes.

*Estimated Total Annual Burden Hours:* 7,667.

*Estimated Total Annual Cost to Public:* None.

*Respondent's Obligation:* Voluntary.

*Legal Authority:* 15 U.S.C. Ch. 111, Weather Research and Forecasting Information.

## IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a)

Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.*

[FR Doc. 2021–20513 Filed 9–21–21; 8:45 am]

**BILLING CODE 3510–KE–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XB344]

### 2022 Annual Determination To Implement the Sea Turtle Observer Requirement

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notification of Annual Determination of fisheries.

**SUMMARY:** National Marine Fisheries Service (NMFS) is providing notification that the agency will not identify additional fisheries to observe on the 2022 Annual Determination (AD), pursuant to its authority under the Endangered Species Act (ESA). Through the AD, NMFS identifies U.S. fisheries operating in the Atlantic Ocean, Gulf of Mexico, and Pacific Ocean that will be required to take observers upon NMFS'



request. The purpose of observing identified fisheries is to learn more about sea turtle bycatch in a given fishery, evaluate measures to prevent or reduce sea turtle bycatch, and implement the prohibition against sea turtle takes. Fisheries identified on the 2018 and 2020 ADs (see Table 1) remain on the AD for a 5-year period and are required to carry observers upon NMFS' request until December 31, 2022, and September 29, 2025, respectively.

**ADDRESSES:** Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:**

Jaclyn Taylor, Office of Protected Resources, 301-427-8402; Ellen Keane, Greater Atlantic Region, 978-282-8476; Dennis Klemm, Southeast Region, 727-824-5312; Dan Lawson, West Coast Region, 206-526-4740; Irene Kelly, Pacific Islands Region, 808-725-5141. Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 800-877-8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Purpose of the Sea Turtle Observer Requirement**

Under the ESA, 16 U.S.C. 1531 *et seq.*, NMFS has the responsibility to implement programs to conserve marine life listed as endangered or threatened. All sea turtles found in U.S. waters are listed as either endangered or threatened under the ESA. Kemp's ridley (*Lepidochelys kempii*), loggerhead (*Caretta caretta*; North Pacific distinct population segment), leatherback (*Dermochelys coriacea*), green (*Chelonia mydas*; Central West Pacific and Central South Pacific distinct population segments), and hawksbill (*Eretmochelys imbricata*) sea turtles are listed as endangered. Loggerhead (Northwest Atlantic Ocean distinct population segment), green (North Atlantic, South Atlantic, Central North Pacific, and East Pacific distinct population segments), and olive ridley (*Lepidochelys olivacea*) sea turtles are listed as threatened, except for breeding colony populations of olive ridleys on the Pacific coast of Mexico, which are listed as endangered. Due to the inability to distinguish between populations of olive ridley turtles away from the nesting beach, NMFS considers these turtles endangered when encountered in the marine environment. While some sea turtle populations have

shown signs of recovery, many populations continue to decline.

Bycatch in fishing gear is the primary anthropogenic source of sea turtle injury and mortality in U.S. waters. Section 9 of the ESA prohibits the take (defined to include harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting or attempting to engage in any such conduct), including incidental take, of endangered sea turtles. Pursuant to section 4(d) of the ESA, NMFS has issued regulations extending the prohibition of take, with exceptions, to threatened sea turtles (50 CFR 223.205 and 223.206). Section 11 of the ESA provides for civil and criminal penalties for anyone who violates the ESA or a regulation issued to implement the ESA. NMFS may grant exceptions to the take prohibitions with an incidental take statement or an incidental take permit issued pursuant to ESA section 7 or 10, respectively. To do so, NMFS must determine that the activity that will result in incidental take is not likely to jeopardize the continued existence of the affected listed species. For some Federal fisheries and most state fisheries, NMFS has not granted an exception for incidental takes of sea turtles primarily because we lack information about fishery-sea turtle interactions.

For most fisheries, the most effective way for NMFS to learn more about bycatch in order to implement the take prohibitions and prevent or minimize take is to place observers aboard fishing vessels. In 2007, NMFS issued a regulation (50 CFR 222.402) establishing procedures to annually identify, pursuant to specified criteria and after notice and opportunity for comment, those fisheries in which the agency intends to place observers (72 FR 43176; August 3, 2007). These regulations specify that NMFS may place observers on U.S. fishing vessels, commercial or recreational, operating in U.S. territorial waters, the U.S. exclusive economic zone, or on the high seas, or on vessels that are otherwise subject to the jurisdiction of the U.S. Failure to comply with the requirements under this regulation may result in civil or criminal penalties under the ESA.

NMFS will pay the direct costs for vessels to carry the required observers. These include observer salary and insurance costs. NMFS may also evaluate other potential direct costs, should they arise. Once selected, a fishery will be required to carry observers, if requested, for a period of five years without further action by NMFS. This will enable NMFS to develop appropriate observer coverage

and sampling protocols to investigate whether, how, when, where, and under what conditions sea turtle bycatch is occurring and to evaluate whether existing measures are minimizing or preventing bycatch.

**2022 Annual Determination**

Pursuant to 50 CFR 222.402(a), NOAA's Assistant Administrator for Fisheries, in consultation with Regional Administrators and Fisheries Science Center Directors, annually identifies fisheries for inclusion on the AD based on the extent to which:

(1) The fishery operates in the same waters and at the same time as sea turtles are present;

(2) The fishery operates at the same time or prior to elevated sea turtle strandings; or

(3) The fishery uses a gear or technique that is known or likely to result in incidental take of sea turtles based on documented or reported takes in the same or similar fisheries; and

(4) NMFS intends to monitor the fishery and anticipates that it will have the funds to do so.

NMFS is providing notification that the agency is not identifying additional fisheries to observe on the 2022 AD, pursuant to its authority under the ESA. NMFS is not identifying additional fisheries at this time given lack of dedicated resources to implement new observer programs or expand existing observer programs to focus on sea turtles. The two fisheries identified on the 2018 AD (see Table 1) will remain on the AD for a 5-year period and are required to carry observers upon NMFS' request until December 31, 2022. The four fisheries identified on the 2020 AD (see Table 1) will remain on the AD for a 5-year period and are required to carry observers upon NMFS' request until September 29, 2025.

**TABLE 1—STATE AND FEDERAL COMMERCIAL FISHERIES INCLUDED ON THE 2018 AND 2020 ANNUAL DETERMINATIONS**

Fishery	Years eligible to carry observers
<b>Trawl Fisheries</b>	
Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl .....	2020–2025
Gulf of Mexico mixed species fish trawl .....	2020–2025
<b>Gillnet Fisheries</b>	
Mid-Atlantic gillnet .....	2018–2022
Chesapeake Bay inshore gillnet .....	2020–2025
Long Island inshore gillnet .....	2020–2025



TABLE 1—STATE AND FEDERAL COMMERCIAL FISHERIES INCLUDED ON THE 2018 AND 2020 ANNUAL DETERMINATIONS—Continued

Fishery	Years eligible to carry observers
<b>Pound Net/Weir/Seine Fisheries</b>	
Gulf of Mexico menhaden purse seine	2018–2022

Dated: September 17, 2021.

**Kimberly Damon-Randall,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 2021–20522 Filed 9–21–21; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No. PTO–P–2021–0005]

#### Administrative Updates to the General Requirements Bulletin for Admission to the Examination for Registration To Practice in Patent Cases Before the United States Patent and Trademark Office

**AGENCY:** United States Patent and Trademark Office, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** The United States Patent and Trademark Office (USPTO or Office) previously published a notice requesting comments on the implementation of certain administrative updates to the General Requirements Bulletin for Admission to the Examination for Registration to Practice in Patent Cases Before the United States Patent and Trademark Office (GRB). The USPTO has considered the comments and, based on the support for the proposals, is implementing the updates to the GRB. There are three categories of technical and scientific qualifications that may typically make applicants eligible to sit for the registration examination: Category A for specified bachelor's degrees, Category B for other bachelor's degrees with technical and scientific training, and Category C for practical engineering or scientific experience, which may be demonstrated by passing the Fundamentals of Engineering test. Based on the USPTO's evaluation and comments received, the USPTO is changing the criteria to: Add common Category B degrees to Category A, accept advanced degrees (*i.e.*, master's and doctor of philosophy degrees) under

Category A, and accept a combination of core sciences under Category B, Options 2 and 4, so long as one of the core science courses has a lab component.

**DATES:** The revised GRB incorporating the proposed updates will be published and applicable as of September 22, 2021.

**FOR FURTHER INFORMATION CONTACT:** Will Covey, Director of the Office of Enrollment and Discipline, by telephone at 571–272–4097 or by email at [oed@uspto.gov](mailto:oed@uspto.gov).

#### SUPPLEMENTARY INFORMATION:

##### Summary

On March 23, 2021, the Office published a request for comments on three proposals to change the criteria for sitting for the registration examination: (1) Adding common Category B degrees to Category A, (2) accepting advanced degrees (*i.e.*, master's and doctor of philosophy degrees) under Category A, and (3) accepting a combination of core sciences under Category B, Options 2 and 4, so long as one of the core science courses has a lab component. The Office received 32 comments in response to this request for comments as of May 24, 2021 (the closing date for comments). An overwhelming majority of the comments were supportive of the suggested changes.

This notice provides information relating to the implementation of the three proposals.

##### Background

The Director of the USPTO is given statutory authority to require a showing by patent practitioners that they possess “the necessary qualifications to render applicants or other persons valuable service, advice, and assistance in the presentation or prosecution of their applications or other business before the Office.” 35 U.S.C. 2(b)(2)(D). The courts have determined that the USPTO Director bears the primary responsibility for protecting the public from unqualified practitioners.

Pursuant to that responsibility, USPTO regulations provide that registration to practice in patent matters before the USPTO requires a practitioner to, *inter alia*, demonstrate possession of scientific and technical qualifications.<sup>1</sup> The role of patent practitioners with scientific and technical backgrounds in providing full and clear patent specifications and

claims has long been acknowledged. The USPTO publishes the GRB, which sets forth guidance for establishing possession of scientific and technical qualifications. The GRB is available at [www.uspto.gov/sites/default/files/documents/OED\\_GRB.pdf](http://www.uspto.gov/sites/default/files/documents/OED_GRB.pdf).

The GRB lists three categories of scientific and technical qualifications that typically make one eligible for admission to the registration examination: (1) Category A for specified bachelor's degrees, (2) Category B for other bachelor's degrees with technical and scientific training, and (3) Category C for individuals who rely on practical engineering or scientific experience by demonstrating that they have passed the Fundamentals of Engineering test. If a candidate for registration does not qualify under any of the categories listed in the GRB, the USPTO will conduct an independent review for compliance with the scientific and technical qualifications pursuant to 37 CFR 11.7(a)(2)(ii).

The USPTO has evaluated, and continues to evaluate, the list of typically qualifying training set forth in the GRB. These evaluations seek to clarify guidance on what will satisfy the scientific and technical qualifications and to identify possible areas of improved administrative efficiency. To that end, the USPTO published a notice requesting comments on three proposed updates to the GRB: (1) Adding common Category B degrees to Category A, (2) accepting advanced degrees (*i.e.*, master's and doctor of philosophy degrees) under Category A, and (3) accepting a combination of core sciences under Category B, Options 2 and 4, so long as one of the core science courses has a lab component. See “Request for Comments on Administrative Updates to the General Requirements Bulletin for Admission to the Examination for Registration to Practice in Patent Cases Before the United States Patent and Trademark Office,” 86 FR 15467 (March 23, 2021).

The USPTO received 32 comments from intellectual property organizations, universities, industry, a law firm, individual patent practitioners, and the general public. The USPTO acknowledges and appreciates the many comments that were submitted from the intellectual property community. The comments are available at: [www.regulations.gov/document/PTO-P-2021-0005-0001/comment](http://www.regulations.gov/document/PTO-P-2021-0005-0001/comment). The USPTO has considered the comments, including those that raised concerns or provided suggestions. The USPTO is implementing the proposals as stated in the request for comments, and as explained below. Additional

<sup>1</sup> Legal representation before Federal agencies is generally governed by the provisions of 5 U.S.C. 500. That statute, however, provides a specific exception for representation in patent matters before the USPTO. 5 U.S.C. 500(e). See 35 U.S.C. 2(b)(2)(D) [formerly 35 U.S.C. 31].

suggestions beyond the scope of the request for comments and the questions posed therein were provided in many of the comments. The USPTO appreciates the suggestions and may address them in the future, once further evaluation and data are garnered.

This notice merely describes agency policy and procedures and does not involve substantive rulemaking. While the criteria for admission to practice in patent matters is generally described in 37 CFR 11.7, the rule does not set forth the specific scientific and technical criteria for admission.

#### **Administrative Update 1: Add Common Category B Degrees to Category A**

As explained further in the GRB, bachelor's degrees listed under Category A present prima facie evidence of the requisite technical and scientific qualifications. Prior to this notice, the bachelor's degree under Category A may only have been in one of the following subjects: Biology, biochemistry, botany, computer science, electronics technology, food technology, general chemistry, marine technology, microbiology, molecular biology, organic chemistry, pharmacology, physics, textile technology, aeronautical engineering, agricultural engineering, biomedical engineering, ceramic engineering, chemical engineering, civil engineering, computer engineering, electrical engineering, electrochemical engineering, engineering physics, general engineering, geological engineering, industrial engineering, mechanical engineering, metallurgical engineering, mining engineering, nuclear engineering, and petroleum engineering. These degree categories will remain listed under Category A.

Acceptable computer science degrees under Category A must be accredited by the Computer Science Accreditation Commission of the Computing Sciences Accreditation Board or by the Computing Accreditation Commission of the Accreditation Board for Engineering and Technology on or before the date the degree was awarded. This requirement for computer science degrees under Category A remains unchanged by this notice. Based on the comments received, the USPTO will continue to evaluate this requirement in light of the type of computer science degrees (*i.e.*, whether accredited or not) and the nature of computer science degrees generally awarded by colleges and universities.

Starting in early 2020, the USPTO undertook a review of Category B applications to identify bachelor's degrees that are routinely accepted as demonstrating the requisite scientific

and technical qualifications. This review is ongoing. Based on the analysis to date and comments received, and understanding that Category A cannot be an exhaustive list of all degrees that would qualify, the Office is expanding the above list of Category A degrees to expressly include the following degrees that are routinely accepted under Category B: Aerospace engineering, bioengineering, biological science, biophysics, electronics engineering, genetic engineering, genetics, marine engineering, materials engineering, materials science, neuroscience, ocean engineering, and textile engineering. Listing these Category B degrees under Category A will improve operating efficiency and streamline the application process for prospective patent practitioners.

The USPTO also invited comments on any additional degrees that should be considered under Category A. Based on the comments received and a review of the applicants in the suggested degree categories over the past three calendar years (*i.e.*, 2018 through 2020), the USPTO is also expanding the list of Category A degrees to expressly include the following degree: Environmental engineering. Other degree categories suggested by commenters were considered but are not being included under Category A at this time to allow for the additional collection and evaluation of data on these degree categories. For example, one of the degree categories suggested by commenters was artificial intelligence. In the past three calendar years, however, there have been no applicants with an artificial intelligence degree. The USPTO will continue to monitor degree categories as the degrees and data develop.

The Office will continue to accept degrees where the transcript demonstrates equivalence to a Category A degree (For example, molecular cell biology may be equivalent to biology, and materials science and engineering may be equivalent to materials science.).<sup>2</sup>

#### **Administrative Update 2: Accept Advanced Degrees Under Category A**

Prior to this notice, Category A did not include post-baccalaureate degrees. Based on a review of applicants and the comments received, the USPTO is updating the GRB to list possession of a master's or a doctor of philosophy degree in a Category A subject as

<sup>2</sup> See OED Frequently Asked Questions (FAQs), available at [www.uspto.gov/learning-and-resources/patent-and-trademark-practitioners/oed-frequently-asked-questions-faqs](http://www.uspto.gov/learning-and-resources/patent-and-trademark-practitioners/oed-frequently-asked-questions-faqs).

demonstrating acceptable technical and scientific training. This includes the newly added Category A degrees listed above and degrees where the transcript demonstrates equivalence to a Category A degree.

#### **Administrative Update 3: Accept a Combination of Core Sciences Under Category B, Options 2 and 4**

Prior to this notice, Category B, Option 4 in the GRB required a combination of 40 credit hours in acceptable technical and scientific courses, including at least 8 hours in either chemistry with a lab or 8 hours in physics with a lab. Category B, Option 2, which focuses on training in biology and related sciences, had a similar requirement. The requirement for lab-based core science courses is meant to ensure familiarity with the processes involved in conducting valid experiments, the scientific method, and proper analysis of scientific data.

It is not clear whether multiple courses in either chemistry or physics alone, with a lab, provide an appreciable benefit over general core science training. Accordingly, the USPTO is revising Category B, Option 4 by changing "8 semester hours in chemistry or 8 semester hours of physics . . . obtained in two sequential courses, each containing a lab" to "eight semester hours in a combination of chemistry, physics, and/or biology, with at least one course including a lab." Category B, Option 2, which already requires training in biology, is being revised to require at least "eight semester hours in a combination of chemistry and physics, with at least one course including a lab."

#### **Andrew Hirshfeld,**

*Commissioner for Patents, Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2021-20378 Filed 9-21-21; 8:45 am]

BILLING CODE 3510-16-P

## **DEPARTMENT OF DEFENSE**

### **Department of the Navy**

#### **National Nuclear Security Administration Pay and Performance System**

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice of the Naval Nuclear Propulsion Program (NNPP) conversion to the National Nuclear Security Administration (NNSA) pay and performance system.

**SUMMARY:** In accordance with the Fiscal Year 2018 National Defense Authorization Act, the DON announces that the NNPP, a joint activity of the DON and the Department of Energy (DOE), NNPP will convert from the General Schedule (GS) Classification and Pay System and the DON Interim Performance Management System (IPMS) to the NNSA pay and performance System, also known as the NNSA Demonstration Project. This conversion will align DON employees of the NNPP with their counterparts in the DOE, NNSA, and bring parity to the pay and performance systems within the Nuclear Propulsion workforce.

**DATES:** This conversion will become effective September 22, 2022.

**FOR FURTHER INFORMATION CONTACT:** Mr. Edward Rose, 412-476-7204, or [edward.rose@nnp.doe.gov](mailto:edward.rose@nnp.doe.gov).

**SUPPLEMENTARY INFORMATION:** When the Naval Sea Systems Command (NAVSEA) Headquarters converted to the DoD Civilian Acquisition Workforce Personnel Demonstration Project (AcqDemo), Naval Reactors chose to opt out of AcqDemo in anticipation of aligning with the DOE, NNSA Demonstration Project. Section 3116(a)(3) of the Fiscal Year 2018 NDAA authorized NNPP to convert its DON employees to the NNSA System with the concurrence of the Secretary of the Navy. The Secretary of the Navy approved the transition of NNPP's DON civilian personnel to the NNSA Demonstration Project Personnel Management System on February 5, 2019. NNPP has been working with the NAVSEA Office of Civilian Human Resources to promulgate the conversion and plan the implementation through relevant DON and DoD offices. After providing data and supporting documentation, the DoD Defense Civilian Personnel Advisory Service has given approval to commence with the planning and implementation upon publishing of this notice. The implementation will require, among other actions, coordination with the DFAS, final notice to employees, developing NNPP procedures, creating new position descriptions, and processing pay plan adjustment personnel actions.

The NNSA Demonstration Project was designed by NNSA, with participation of and review by the DOE and the Office of Personnel Management. The NNSA Demonstration Project modifies the GS Classification and Pay System by creating broad career paths, establishing pay bands within each career path which may cover more than one GS grade, eliminates longevity-based step

progression, and provides for annual pay adjustments based on performance. The NNPP has experienced higher-than-average attrition and has had difficulty filling positions, with pay/grade frequently cited as the reason for declination by candidates.

As a joint DON/DOE organization, Naval Reactors has historically managed its civilian workforce under each respective agency's personnel management system. The Fiscal Year (FY) 2018 National Defense Authorization Act states that the Director of the Naval Nuclear Propulsion Program (NNPP) may, "with concurrence of the Secretary of the Navy," apply NNSA DEMO to all non-executive competitive service employees of the NNPP, thereby strengthening Naval Reactors' recruitment and retention of the highest-quality technical and professional workforce. This move aligns with the goal of shifting away from tenure-based personnel systems to performance-based personnel management systems while streamlining administrative processes inherent in managing Naval Reactors' employees under two different systems.

All DON NNPP current GS employees and vacant GS positions will be converted, excluding any Schedule C excepted service positions. There are approximately 210 affected positions, with all but about 40 of those positions located at the Washington Navy Yard. These positions will remain as DON positions. The NNPP will adopt the NNSA Demonstration Project Policies and Procedures Manual, dated March 2008, which will also be used by the servicing Human Resources Office and the Defense Finance Accounting Service (DFAS) to implement and support the NNPP. The intent of this notice is to promulgate this conversion to stakeholders within the Departments of Energy, Defense, and Navy. Affected employees are not represented by a labor union.

Dated: September 17, 2021.

**J.M. Pike,**

*Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. 2021-20510 Filed 9-21-21; 8:45 am]

**BILLING CODE 3810-FF-P**

## DEPARTMENT OF EDUCATION

### Applications for New Awards; National Center for Information and Technical Support for Postsecondary Students With Disabilities Program

**AGENCY:** Office of Postsecondary Education, Department of Education.

**ACTION:** Notice.

**SUMMARY:** The Department of Education (Department) is issuing a notice inviting applications (NIA) for a new award for fiscal year (FY) 2021 for the National Center for Information and Technical Support for Postsecondary Students with Disabilities Program, Assistance Listing Number 84.116D. This notice relates to the approved information collection under OMB control number 1894-0006.

**DATES:**

*Applications Available:* September 22, 2021.

*Deadline for Transmittal of Applications:* October 22, 2021.

*Deadline for Intergovernmental Review:* December 21, 2021.

**ADDRESSES:** For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768), and available at [www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf](http://www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf).

**FOR FURTHER INFORMATION CONTACT:**

Shedita Alston, U.S. Department of Education, 400 Maryland Avenue SW, Room 2B194, Washington, DC 20202-4260. Telephone: (202) 453-7090. Email: [Shedita.Alston@ed.gov](mailto:Shedita.Alston@ed.gov).

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:**

**Full Text of Announcement**

**I. Funding Opportunity Description**

*Purpose of Program:* The purpose of this program is to support a National Center for Information and Technical Support for Postsecondary Students with Disabilities (the Center) to provide technical assistance and information on best and promising practices for students with disabilities as they transition to or attend postsecondary education. Institutions of higher education (IHEs), as well as elementary and secondary schools, have legal obligations under two civil rights laws prohibiting disability discrimination, Section 504 of the Rehabilitation Act of 1973, as amended (Section 504) (29 U.S.C. 794), and the Americans with Disabilities Act of 1990, as amended (ADA) (42 U.S.C. 12101-12213). The technical assistance and information provided by the Center can help students, parents, and educational officials in determining how to meet

these obligations and ensure the rights of students with disabilities. In particular, the Center can assist students with disabilities and their families in understanding that in IHEs, students with disabilities have different rights and protections than they had in secondary school under Section 504 and the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400 *et seq.* Students with disabilities and their parents need to understand the differences in these rights and responsibilities as students with disabilities enter college and pursue postsecondary education. Specifically, unlike students in secondary school, postsecondary students with disabilities are responsible for requesting the academic adjustments, auxiliary aids and services, and other accommodations they need to have equal educational opportunity and are expected to comply with reasonable procedures that an IHE may have concerning documentation of disability and the need for accommodations under Section 504 and the ADA.

*Note:* A more detailed explanation of the different rights and responsibilities of students with disabilities in secondary school and postsecondary institutions can be found in two pamphlets issued by the Department's Office for Civil Rights: "Transition of Students With Disabilities To Postsecondary Education: A Guide for High School Educators," available at: <https://www2.ed.gov/about/offices/list/ocr/transitionguide.html>, and "Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities," available at: <https://www2.ed.gov/about/offices/list/ocr/transition.html>.

*Priority:* This notice contains one absolute priority. In accordance with 34 CFR 75.105(b)(2)(iv), this priority is from section 777(a) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1140q(a)).

*Absolute Priority:* For FY 2021 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

*This priority is:*

Entities that can demonstrate the experience and capacity to improve postsecondary recruitment, transition, retention, and completion rates of students with disabilities by providing the following:

1. *Assistance to students and families.* The Center must provide information and technical assistance to students with disabilities and the families of

students with disabilities to support students across the broad spectrum of disabilities, including—

(a) Information to assist individuals with disabilities who are prospective students of an IHE in planning for postsecondary education while the students are in secondary school;

(b) Information and technical assistance provided to individualized education program teams (as defined in 20 U.S.C. 1414(d)(1)) for secondary school students with disabilities, and to early outreach and student services programs, including programs authorized under subparts 2, 4, and 5 of title IV of the HEA, to support students across a broad spectrum of disabilities with the successful transition to postsecondary education;

(c) Research-based supports, services, and accommodations which are available in postsecondary settings, including services provided by other agencies such as vocational rehabilitation;

(d) Information on student mentoring and networking opportunities for students with disabilities; and

(e) Effective recruitment and transition programs at postsecondary educational institutions.

2. *Assistance to institutions of higher education.* The Center must provide information and technical assistance to faculty, staff, and administrators of IHEs to improve the services provided to, the accommodations for, the retention rates of, and the completion rates of, students with disabilities in higher education settings, which may include—

(a) Collection and dissemination of best and promising practices and materials for accommodating and supporting students with disabilities, including practices and materials supported by the grants, contracts, or cooperative agreements authorized under subparts 1, 2, and 3 of title VII, part D, of the HEA (20 U.S.C. 1140q);

(b) Development and provision of training modules for higher education faculty on exemplary practices for accommodating and supporting postsecondary students with disabilities across a range of academic fields, which may include universal design for learning and practices supported by the grants, contracts, or cooperative agreements authorized under subparts 1, 2, and 3 of title VII, part D, of the HEA (20 U.S.C. 1140q); and

(c) Development of technology-based tutorials for higher education faculty and staff, including new faculty and graduate students, on best and promising practices related to support and retention of students with disabilities in postsecondary education.

3. *Information collection and dissemination.* The Center will be responsible for building, maintaining, and updating a database of disability support services information with respect to IHEs, or for expanding and updating an existing database of disabilities support services information with respect to IHEs. This database must be made available to the general public through a website built to high technical standards of accessibility practicable for the broad spectrum of individuals with disabilities. This database and website must include available information on—

(a) Disability documentation requirements;

(b) Support services available;

(c) Links to financial aid;

(d) Accommodations policies;

(e) Accessible instructional materials;

(f) Other topics relevant to students with disabilities; and

(g) The information in the report described in paragraph (5) below.

4. *Disability support services.* The Center must work with organizations and individuals with proven expertise related to disability support services for postsecondary students with disabilities to evaluate, improve, and disseminate information related to the delivery of high quality disability support services at IHEs.

5. *Review and report.* Not later than three years after the establishment of the National Center, and every two years thereafter, the National Center must prepare and disseminate a report to the Secretary and the authorizing committees analyzing the condition of postsecondary success for students with disabilities. The report must include—

(a) A review of the activities and the effectiveness of the programs authorized under title VII, part D of the HEA;

(b) Annual enrollment and graduation rates of students with disabilities in IHEs from publicly reported data;

(c) Recommendations for effective postsecondary supports and services for students with disabilities, and how such supports and services may be widely implemented at IHEs;

(d) Recommendations on reducing barriers to full participation for students with disabilities in higher education; and

(e) A description of the strategies with a demonstrated record of effectiveness in improving the success of such students in postsecondary education.

6. *Staffing of the Center.* In hiring employees of the National Center, the National Center must consider the expertise and experience of prospective employees in providing training and technical assistance to practitioners.

*Note:* Websites established or maintained to carry out any project

funded under this competition must meet WCAG 2.1 standards (Source: <https://www.w3.org/WAI/standards-guidelines/wcag/glance/>). Documents posted on grantee websites must, at a minimum, meet the Department's accessibility standards set out at: <https://www2.ed.gov/web-guidance/accessibility/index.html>.

**Definitions:** The following definitions are from sections 101 and 103 of the HEA.

**Institution of higher education—**

(1) Means an educational institution in any State that—

(i) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, or persons who meet the requirements of section 484(d) of the HEA;

(ii) Is legally authorized within such State to provide a program of education beyond secondary education;

(iii) Provides an educational program for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree, or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary;

(iv) Is a public or other nonprofit institution; and

(v) Is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted pre-accreditation status by such an agency or association that has been recognized by the Secretary for the granting of pre-accreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time; and

(2) Also includes—

(i) Any school that provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and that meets the provision of paragraphs (1)(i), (ii), (iv), and (v); and

(ii) A public or nonprofit private educational institution in any State that, in lieu of the requirement in paragraph (1)(i), admits as regular students individuals—

(A) Who are beyond the age of compulsory school attendance in the State in which the institution is located; or

(B) Who will be dually or concurrently enrolled in the institution and a secondary school.

**Universal design for learning** means a scientifically valid framework for guiding educational practice that—

(1) Provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and

(2) Reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.

**Program Authority:** 20 U.S.C. 1140q(a).

**Note:** Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in the Federal civil rights laws.

**Applicable Regulations:** (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR part 3474.

## II. Award Information

**Type of Award:** Cooperative agreement.

**Estimated Available Funds:** \$1,980,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

**Estimated Average Size of Award:** \$1,980,000.

**Maximum Award:** We will not make an award exceeding \$1,980,000 for a project period of 48 months.

**Estimated Number of Awards:** 1.

**Note:** The Department is not bound by any estimates in this notice.

**Project Period:** Up to 48 months.

## III. Eligibility Information

**1. Eligible Applicants:** Under section 777(a)(3) of the HEA, an "eligible entity" is an IHE (as defined in this notice); a nonprofit organization; or a partnership of two or more IHEs or organizations, with demonstrated expertise in:

(a) Supporting students with disabilities in postsecondary education;

(b) Technical knowledge necessary for the dissemination of information in accessible formats;

(c) Working with diverse types of IHEs, including community colleges; and

(d) The subjects necessary to support students across the broad spectrum of disabilities.

**2.a. Cost Sharing or Matching:** This competition does not require cost sharing or matching.

**b. Administrative Cost Limitation:** This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

**c. Indirect Cost Rate Information:** This program uses a restricted indirect cost rate of 8 percent. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see [www2.ed.gov/about/offices/list/ocfo/intro.html](http://www2.ed.gov/about/offices/list/ocfo/intro.html).

**3. Subgrantees:** A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

## IV. Application and Submission Information

### 1. Application Submission

**Instructions:** Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768), and available at [www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf](http://www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf), which contains requirements and information on how to submit an application.

**2. Intergovernmental Review:** This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

**3. Funding Restrictions:** We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

**4. Recommended Page Limit:** The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 50 pages and (2) use the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger, and no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract. However, the recommended page limit does apply to all of the application narrative.

*Note:* The Budget Information-Non-Construction Programs Form (ED 524) Sections A–C are not the same as the narrative response to the Budget section of the selection criteria.

## V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210 and from section 777(a) of the HEA (20 U.S.C. 1140q(a)). Applicants should address each of the following selection criteria separately for each proposed activity. The selection criteria are worth a total of 100 points; the maximum score for each criterion is noted in parentheses.

### (a) *Demonstration of Eligibility.* (Maximum 25 Points)

(1) The Secretary considers whether the applicant has demonstrated expertise and experience sufficient to meet the requirements to be an eligible entity under section 777(a)(3) of the HEA.

(2) In considering eligibility, the Secretary considers the following factors:

- (i) Demonstrated expertise in supporting students with disabilities in postsecondary education;

- (ii) Demonstrated expertise in technical knowledge necessary for the dissemination of information in accessible formats;

- (iii) Demonstrated expertise in working with diverse types of IHEs, including community colleges; and

- (iv) Demonstrated expertise in the subjects necessary to support students across the broad spectrum of disabilities.

### (b) *Quality of the Project Design.* (Maximum 15 Points)

(1) The Secretary considers the quality of the design of the proposed project.

(2) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

- (i) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs;

- (ii) The extent to which the design for implementing and evaluating the proposed project will result in information to guide possible replication of project activities or strategies, including information about the effectiveness of the approach or strategies employed by the project;

- (iii) The extent to which the proposed project will establish linkages with other appropriate agencies and organizations providing services to the target population;

- (iv) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance;

- (v) The extent to which performance feedback and continuous improvement are integral to the design of the proposed project.

- (vi) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice.

- (vii) The extent to which the applicant demonstrates that it has the resources to operate the project beyond the length of the grant, including a multi-year financial and operating model and accompanying plan; the demonstrated commitment of any partners; evidence of broad support from stakeholders (e.g., State educational agencies, teachers’ unions) critical to the project’s long-term success; or more than one of these types of evidence.

### (c) *Quality of Project Services.* (Maximum 15 Points)

(1) The Secretary considers the quality of the services to be provided by the proposed project.

(2) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers:

- (i) The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services;

- (ii) The likelihood that the services to be provided by the proposed project will lead to improvements in the achievement of students as measured against rigorous academic standards;

- (iii) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services; and

- (iv) The extent to which the technical assistance services to be provided by the proposed project involve the use of efficient strategies, including the use of technology, as appropriate, and the leveraging of non-project resources.

### (d) *Quality of Project Personnel.* (Maximum 15 Points)

(1) The Secretary considers the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

- (i) The qualifications, including relevant training and experience, of the project director or principal investigator;

- (ii) The qualifications, including relevant training and experience, of key project personnel; and

- (iii) The qualifications, including relevant training and experience, of project consultants or subcontractors.

### (e) *Quality of the Management Plan.* (Maximum 10 Points)

(1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan, the Secretary considers the following factors:

- (i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks;

- (ii) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project;

(iii) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project;

(iv) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project; and

(v) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

*(f) Quality of the Project Evaluation. (Maximum 20 Points)*

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation to be conducted for the proposed project, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project;

(ii) The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies;

(iii) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible; and

(iv) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

**2. Review and Selection Process:** We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial

assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

A panel of three non-Federal reviewers will review and score each application in accordance with the selection criteria. A rank order funding slate will be made from this review. An award will be made in rank order according to the average score received from the combined peer review points.

In a tie-breaking situation under this program, preference will be given to the applicant with the highest score under the "Quality of the Project Design" criterion. If there is still a tie after implementing the first tiebreaker, preference will be given to the applicant with the highest score under the "Quality of Project Services" criterion. If there is still a tie after applying the secondary tiebreaker, preference will be given to the applicant with the highest score under the "Quality of the Management Plan" selection criterion. If there is still a tie after applying a third tiebreaker, preference will be given to the applicant with the highest score under the "Quality of the Project Evaluation" selection criterion.

**3. Risk Assessment and Specific Conditions:** Consistent with 2 CFR 200.206, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.8, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

**4. Integrity and Performance System:** If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

**5. In General:** In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with—

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

## **VI. Award Administration Information**

**1. Award Notices:** If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

**2. Administrative and National Policy Requirements:** We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.



### 3. *Open Licensing Requirements:*

Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements, please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to [www.ed.gov/fund/grant/apply/appforms/appforms.html](http://www.ed.gov/fund/grant/apply/appforms/appforms.html).

5. *Performance Measures:* Under the Government Performance and Results Act of 1993 and 34 CFR 75.110, the following three performance measures will be used in assessing the performance of the National Center for Information and Technical Support for Postsecondary Students with Disabilities Program:

1. The extent to which the project serves students with disabilities, families of students with disabilities, individualized education program teams, and individualized plan for employment teams, including growth in numbers served over time, and improved user satisfaction ratings with the services received;

2. The extent to which the project provides information and technical assistance to faculty, staff, and administrators of IHEs aimed at improving accommodation, retention, and completion rates of students with disabilities, including growth in the number of persons and institutions served over time, and improved user satisfaction ratings with services received, baseline change over time in retention, and completion rates of students with disabilities at the institutions served; and

3. The extent and growth over time in utilization of the database of disability services information by IHEs, including improved user satisfaction ratings of the accessibility and utility of the information provided.

These measures constitute the Department's indicators of success for this program. Consequently, we advise an applicant for an award under this program to give careful consideration to the operationalization of the measures in conceptualizing the approach and evaluation for its proposed project.

If funded, you will be required to collect and report data in your project's annual performance report (34 CFR 75.590).

### VII. Other Information

*Accessible Format:* On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or another accessible format.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at [www.govinfo.gov](http://www.govinfo.gov). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit

your search to documents published by the Department.

**Michelle Asha Cooper,**

*Acting Assistant Secretary for Postsecondary Education.*

[FR Doc. 2021–20496 Filed 9–21–21; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0137]

### Agency Information Collection Activities; Comment Request; Project To Support America's Families and Educators (Project SAFE) Grant Application

**AGENCY:** Office of Elementary and Secondary Education (OESE), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is requesting the Office of Management and Budget (OMB) to conduct an emergency review of a new information collection.

**DATES:** The Department requested emergency processing from OMB for this information collection request on September 16, 2021. As a result, the Department is providing the public with the opportunity to comment under the full comment period. Interested persons are invited to submit comments on or before November 22, 2021.

**ADDRESSES:** To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED–2021–SCC–0137. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](http://www.regulations.gov) site is not available to the public for any reason, ED will temporarily accept comments at [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW,



LBJ, Room 6W208D, Washington, DC 20202-4537.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Amy Banks, 202-453-6704.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Project to Support America's Families and Educators (Project SAFE) Grant Application.

*OMB Control Number:* 1810-0763.

*Type of Review:* A new information collection.

*Respondents/Affected Public:* State, Local, and Tribal Governments.

*Total Estimated Number of Annual Responses:* 13.

*Total Estimated Number of Annual Burden Hours:* 26.

*Abstract:* This is a request for emergency approval of a new information collection request so that the Department can collect applications for the Project to Support America's Families and Educators (Project SAFE) Grant Program. The Project SAFE grant program is intended to improve students' safety and well-being by providing resources to local educational agencies (LEAs) that adopt and implement strategies to prevent the spread of the Novel Coronavirus Disease 2019 (COVID-19) consistent with

guidance from the Centers for Disease Control and Prevention (CDC) and that are financially penalized for doing so by their State educational agency (SEA) or other State entity. Under the new Project SAFE grant program, applications will be submitted on a rolling basis before the end of fiscal year 2021 and throughout fiscal year 2022. Upon receipt of the applications, the intent is to quickly review and make approval decisions of awards as quickly as possible to make the award the funds before the end of this fiscal year.

*Additional Information:* The Project SAFE grant program timeline is extremely short due to the Biden Administration's direction to the Department to create the program to address urgent needs. For these reasons, we are requesting emergency approval of the Project SAFE application so that LEAs can demonstrate their eligibility and need to implement the program as intended and receive funds to address the immediate needs of their students, staff, and schools.

Dated: September 16, 2021.

**Kate Mullan,**

*PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.*

[FR Doc. 2021-20438 Filed 9-21-21; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Idaho Cleanup Project; Meeting

**AGENCY:** Office of Environmental Management, Department of Energy.

**ACTION:** Notice of open in-person/virtual hybrid meeting.

**SUMMARY:** This notice announces an in-person/virtual hybrid meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Idaho Cleanup Project (ICP). The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Thursday, October 21, 2021; 8:00 a.m.–2:35 p.m.

The opportunities for public comment are at 9:50 a.m. and 2:20 p.m. MT.

These times are subject to change; please contact the ICP Citizens Advisory Board (CAB) Administrator (below) for confirmation of times prior to the meeting.

**ADDRESSES:** This hybrid meeting will be open to the public virtually via Zoom only. To attend virtually, please contact Jordan Davies, ICP CAB Administrator, by email [jdavies@northwindgrp.com](mailto:jdavies@northwindgrp.com) or phone (720) 452-7379, no later than 5:00 p.m. MT on Tuesday, October 19, 2021.

Board members, Department of Energy (DOE) representatives, agency liaisons, and support staff will participate in-person at: Sun Valley Inn, 1 Sun Valley Road, Sun Valley, ID 83353.

**FOR FURTHER INFORMATION CONTACT:** Jordan Davies, ICP CAB Administrator, by phone (720) 452-7379 or email [jdavies@northwindgrp.com](mailto:jdavies@northwindgrp.com) or visit the Board's internet homepage at <https://energy.gov/em/icpcab>.

**SUPPLEMENTARY INFORMATION:** *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE-EM and site management in the areas of environmental restoration, waste management, and related activities.

*Tentative Agenda* (agenda topics may change up to the day of the meeting; please contact Jordan Davies for the most current agenda):

1. Recent Public Outreach
2. Idaho Cleanup Project Overview
3. Integrated Waste Treatment Unit (IWTU) Update
4. Long-Term Storage Update
5. Calcine: Hot Isostatic-Pressing vs. Vitrification
6. Status of Idaho Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Disposal Facility Explanation of Significant Differences
7. Shoshone-Bannock Tribes' Cultural History at the Idaho National Laboratory Site

*Public Participation:* The in-person/online virtual hybrid meeting is open to the public via Zoom only. To sign-up for public comment, please contact the ICP CAB Administrator (above) no later than 5:00 p.m. MT on Tuesday, October 19, 2021. In addition to participation in the live public comment sessions identified above, written statements may be filed with the Board either five days before or five days after the meeting by sending them to the ICP CAB Administrator at the aforementioned email address. Written public comment received prior to the meeting will be read into the record. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum

of five minutes to present their comments.

*Minutes:* Minutes will be available by writing or calling Jordan Davies, ICP CAB Administrator, phone (720) 452-7379 or email [jdavies@northwindgrp.com](mailto:jdavies@northwindgrp.com). Minutes will also be available at the following website: <https://www.energy.gov/em/icpcab/listings/cab-meetings>.

Signed in Washington, DC, on September 17, 2021.

**LaTanya Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2021-20499 Filed 9-21-21; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Biological and Environmental Research Advisory Committee; Meeting

**AGENCY:** Office of Science, Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Biological and Environmental Research Advisory Committee (BERAC). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

**DATES:** Thursday, October 21, 2021; 11:30 a.m.–5:30 p.m.

Friday, October 22, 2021; 11:30 a.m.–5:30 p.m.

**ADDRESSES:** This meeting will be held digitally via webcast using Zoom. Instructions for Zoom, as well as any updates to meeting times or meeting agenda, can be found on the BERAC meeting website at: <https://science.osti.gov/ber/berac/Meetings>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Tristram West, Designated Federal Officer, BERAC, U.S. Department of Energy, Office of Science, Office of Biological and Environmental Research, SC-23/Germantown Building, 1000 Independence Avenue SW, Washington, DC 20585-1290. Phone 301-903-5155; fax (301) 903-5051 or email: [tristram.west@science.doe.gov](mailto:tristram.west@science.doe.gov).

#### SUPPLEMENTARY INFORMATION:

*Purpose of the Committee:* To provide advice on a continuing basis to the Department of Energy's Office of Science, Director, on the many complex scientific and technical issues that arise in the development and implementation of the Biological and Environmental Research Program.

#### *Tentative Agenda:*

- News from the Office of Biological and Environmental Research

- News from the Biological Systems Science and Earth and Environmental Systems Sciences Divisions
- Report from the BERAC Subcommittee
- BERAC business and discussion
- Public comment

*Public Participation:* The two-day meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, please send an email request to both Tristram West ([tristram.west@science.doe.gov](mailto:tristram.west@science.doe.gov)) and Andrew Flatness ([andrew.flatness@science.doe.gov](mailto:andrew.flatness@science.doe.gov)). You must make your request for an oral statement at least five business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will be limited to five minutes each.

*Minutes:* The minutes of this meeting will be available for public review and copying within 45 days at the BERAC website: <https://science.osti.gov/ber/berac/Meetings/BERAC-Minutes>.

Signed in Washington, DC, on September 17, 2021.

**LaTanya Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2021-20495 Filed 9-21-21; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. IC21-39-000]

#### Commission Information Collection Activities (FERC Form 580); Comment Request; Extension

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of information collection and request for comments.

**SUMMARY:** In compliance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC Form 580 (Interrogatory on Fuel and Energy Purchase Practices Pursuant to Section 205 of the Federal Power Act).

**DATES:** Comments on the collection of information are due November 22, 2021.

**ADDRESSES:** You may submit comments (identified by Docket No. IC21-39-000) by one of the following methods.

Electronic filing through <http://www.ferc.gov> is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.

- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service Only:*

Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

- *Hand (including courier) Delivery to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

*Instructions:* All submissions must be formatted and filed in accordance with submission guidelines at: <http://www.ferc.gov>. For user assistance, contact FERC Online Support by email at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or by phone at: (866) 208-3676 (toll-free).

*Docket:* Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at <http://www.ferc.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Ellen Brown may be reached by email at [DataClearance@FERC.gov](mailto:DataClearance@FERC.gov), and telephone at (202) 502-8663.

#### SUPPLEMENTARY INFORMATION:

*Title:* FERC Form 580, (Interrogatory on Fuel and Energy Purchase Practices Pursuant to Section 205 of the Federal Power Act).

*OMB Control No.:* 1902-0137.

*Type of Request:* Three-year extension of the FERC Form 580 with no substantive changes to the current reporting requirements. Administrative changes to update the form are being made, as described below.

*Abstract:* The Commission collects FERC Form 580 information every other year as required under Section 205(f)(2) of the FPA,<sup>1</sup> which provides that the Commission must review, "not less frequently than every 2 years," practices under automatic adjustment clauses (AACs).<sup>2</sup> As required by FPA section

<sup>1</sup> 16 U.S.C. 824d.

<sup>2</sup> An automatic adjustment clause is a provision of a rate schedule which provides for increases or decreases (or both), without prior hearing, in rates reflecting increases or decreases (or both) in costs incurred by an electric utility.

For additional information on AACs, see the Frequently Asked Questions (FAQs) and Desk Reference for FERC Form 580 on the Commission's website.

205(f)(2), the Commission uses the information collected through the FERC Form 580 interrogatory to review utility purchase and cost recovery practices under AACs in order to ensure efficient use of resources.<sup>3</sup> The Commission uses the information to evaluate costs in individual rate filings and to supplement periodic utility audits. The public also uses the information in this manner. Without the FERC Form 580 interrogatory, the Commission would not have the requisite information available to conduct the necessary review the FPA mandates.

*Type of Respondents:* The filing must be submitted by all FERC-jurisdictional utilities owning and/or operating at least one steam-electric generating station of 50 MW or greater capacity or having a majority ownership interest in a jointly-owned steam-electric generating station of at least 50 MW. A jurisdictional utility without a cost-based tariff on file with the Commission is not required to file the form.

*Administrative Updates to the FERC Form 580:* Continuing on from the data collection request from October 2020, the Commission will be issuing a request for a second request for similar

data that was authorized in the last renewal for FERC Form 580.<sup>4</sup> The request will solicit the same information as the previous request, except that the years will be changed from 2018–2019 to 2020–2021. In this case, the updated year designations will appear in questions 2 through 8 of FERC Form 580, as well as in question 5 of the Privileged Addendum to the FERC Form 580.

*Estimate of Annual Burden.*<sup>5</sup> The Commission estimates the annual<sup>6</sup> public reporting burden and cost<sup>7</sup> for the information collection as:

### FERC FORM 580

[Interrogatory on fuel and energy purchase practices pursuant to section 205 of the Federal Power Act]

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response	Total annual burden hours & total annual cost	Annual cost per respondent (\$)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Respondents with FACs <sup>8</sup> .....	24	0.5	12	103 hrs.; \$8,961.00 .....	1,236.0 hrs.; \$107,532.00 .....	\$4,480.50
Respondents with AACs, but no FACs.	12	0.5	6	20 hrs.; \$1,740.00 .....	120.0 hrs.; \$10,440.00 .....	870.00
Respondents with no AACs and no FACs.	23	0.5	11.5	2 hrs.; \$174.00 .....	23.0 hrs.; \$2,001.00 .....	87.00
<b>Total</b> .....	.....	.....	29.5	.....	1,379.0 hrs.; \$119,173.00 .....	.....

*Comments:* Comments are invited on:

(1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: September 15, 2021.

**Kimberly D. Bose,**

Secretary.

[FR Doc. 2021–20457 Filed 9–21–21; 8:45 am]

**BILLING CODE 6717–01–P**

### DEPARTMENT OF ENERGY

#### Federal Energy Regulatory Commission

[Project No. 2302–099]

#### Brookfield White Pine Hydro, LLC; Notice of Intent To File License Application, Filing of Pre-Application Document, Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 2302–099.

c. *Date Filed:* August 4, 2021.

d. *Submitted by:* Brookfield White Pine Hydro, LLC.

e. *Name of Project:* Lewiston Falls Hydroelectric Project.

f. *Location:* On the Androscoggin River, in Androscoggin County, Maine. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Luke T. Anderson, Manager, Relicensing Brookfield White Pine Hydro LLC, 150 Main Street Lewiston, ME 04240; (207) 755–5600; [Luke.Anderson@brookfieldrenewable.com](mailto:Luke.Anderson@brookfieldrenewable.com).

i. *FERC Contact:* Ryan Hansen at (202) 502–8074; or email at [ryan.hansen@ferc.gov](mailto:ryan.hansen@ferc.gov).

j. Brookfield White Pine Hydro, LLC filed its request to use the Traditional Licensing Process on August 4, 2021. Brookfield White Pine Hydro, LLC provided public notice of its request on July 29, 2021. In a letter dated September 15, 2021, the Director of the Division of Hydropower Licensing approved Brookfield White Pine Hydro, LLC's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; and NOAA Fisheries

<sup>3</sup> By using the data in FERC Form 580, the Commission is able to review utility purchase and cost recovery practices and ensure the resources are in compliance with Commission regulations in 18 CFR 35.14.

<sup>4</sup> The current OMB approval (ICR 201908–1902–015) was issued on April 23, 2020 and expires January 31, 2023. While that approval includes the timeframe for the Commission's next required use

of FERC–580 in 2022, we are submitting this request in order to update (administrative updates) FERC Form 580 for the data collection in 2022, and to request renewal of FERC–580 for another 3 years.

<sup>5</sup> Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. See 5 CFR

1320 for additional information on the definition of information collection burden.

<sup>6</sup> The FERC Form 580 interrogatory is conducted every two years.

<sup>7</sup> Commission staff estimates that the industry's average hourly cost for this information collection is approximated by the FERC's average hourly cost (for wages and benefits) for 2021, or \$87.00/hour.

<sup>8</sup> Fuel Adjustment Clause (FAC).

under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the Maine State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Brookfield White Pine Hydro, LLC as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. Brookfield White Pine Hydro, LLC filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD may be viewed and/or printed on the Commission's website (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 2302. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by August 31, 2024.

p. Register online at <http://www.ferc.gov/docs-filing/subscription.asp> to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: September 15, 2021.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2021-20458 Filed 9-21-21; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2150-147]

#### Puget Sound Energy, Inc.; Notice of Water Quality Protection Plan Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following amendment application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Water Quality Protection Plan.

b. *Project No:* P-2150-147.

c. *Date Filed:* August 5, 2021.

d. *Applicants:* Puget Sound Energy, Inc. (licensee).

e. *Name of Projects:* Baker River Hydroelectric Project.

f. *Locations:* The project is located on the Baker River in Skagit and Whatcom counties, Washington. The project occupies federal lands administered by the U.S. Forest Service within the Mt. Baker-Snoqualmie National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Mr. Jory Oppenheimer, Consulting Engineer, Puget Sound Energy, P.O. Box 97034, Bellevue, WA 98009-9734; telephone: (425) 462-3556 and email [jory.oppenheimer@pse.com](mailto:jory.oppenheimer@pse.com).

i. *FERC Contact:* Marybeth Gay, (202) 502-6125, [Marybeth.Gay@ferc.gov](mailto:Marybeth.Gay@ferc.gov).

j. *Deadline for filing comments, motions to intervene, and protests:* October 18, 2021.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory

Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-2150-147. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The Commission is requiring the licensee to grout one of the project's dams, the Lower Baker Dam, due to increasing leakage along its abutments. Upon completion of the seepage reduction project, the licensee would also make improvements to the crest of the Lower Baker Dam. As required by Article 401(a) of the project license, and condition 5.10 of the Washington Department of Ecology's May 11, 2007 Water Quality Certificate (WQC), attached to the license as Appendix C, the licensee developed the Water Quality Protection Plan (Plan) for the seepage reduction project and has filed the Plan for the Commission's approval. The Plan addresses the requirements set forth in condition 5.10 of the WQC, and includes: (1) An In-Water Work Protection Plan that specifies the best management practices (BMPs) for activities that require work within surface waters; (2) a Construction Stormwater Pollution Prevention Plan that addresses land-disturbing activities along with BMPs and other control measures to prevent pollutants from entering the project's surface water and groundwater; and (3) procedures for monitoring water quality, and actions to implement if a water quality violation were to occur. Construction of the seepage reduction project is currently scheduled to begin in early November 2021.

The licensee previously filed a draft Biological Assessment (BA) with the Commission on March 8, 2021 for the proposed seepage reduction and crest improvement project. On April 28, 2021, Commission staff adopted the licensee's draft BA without changes as the Commission's final BA and requested formal consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: September 16, 2021.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2021-20483 Filed 9-21-21; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. PL21-3-000]

#### Technical Conference on Greenhouse Gas Mitigation: Natural Gas Act Sections 3 and 7 Authorizations; Notice of Technical Conference

Take notice that the Federal Energy Regulatory Commission (Commission) will convene a Commission staff-led technical conference to discuss methods natural gas companies may use to mitigate the effects of direct and indirect greenhouse gas emissions resulting from Natural Gas Act sections 3 and 7 authorizations. The technical conference will be held on Friday, November 19, 2021, from approximately 9:00 a.m. to 5:00 p.m. Eastern time. The conference will be held virtually.

The conference will be open for the public to attend virtually, and there is no fee for attendance. Supplemental notices will be issued prior to the conference with further details regarding the agenda and how to participate as a panelist. Information on this technical conference will also be posted on the Calendar of Events on the Commission's website, [www.ferc.gov](http://www.ferc.gov), prior to the event. Transcripts will be available for a fee from Ace Reporting, (202) 347-3700.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to [accessibility@ferc.gov](mailto:accessibility@ferc.gov), call toll-free (866) 208-3372 (voice) or (202) 208-8659 (TTY), or send a fax to (202) 208-2106 with the required accommodations.

For more information about this technical conference, please contact [GHGTechConf@ferc.gov](mailto:GHGTechConf@ferc.gov). For information related to logistics, please contact Sarah McKinley at [sarah.mckinley@ferc.gov](mailto:sarah.mckinley@ferc.gov) or (202) 502-8368. This notice is issued and published in accordance with 18 CFR 2.1.

Dated: September 16, 2021.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2021-20485 Filed 9-21-21; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM21-17-000]

#### Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection; Notice of Technical Conference

The Federal Energy Regulatory Commission (Commission) will convene a staff-led technical conference regarding regional transmission planning in the above-referenced proceeding on Monday, November 15, 2021, from approximately 9:00 a.m. to 5:00 p.m. Eastern Time. The technical conference will seek to examine in detail issues and potential reforms related to regional transmission planning as described in the July 15, 2021 Advanced Notice of Proposed Rulemaking in this proceeding.<sup>1</sup> Specifically, the technical conference will examine issues related to incorporating sufficiently long-term and comprehensive forecasts of future transmission needs during regional transmission planning processes, including considering the needs of anticipated future generation in identifying needed transmission facilities. This may include: approaches to planning regional transmission facilities that identify transmission needs for anticipated future generation, e.g., use in regional transmission planning of future scenarios or geographic zones where future generation is anticipated to locate; factors shaping future transmission needs that are appropriate to consider as inputs into transmission planning studies; and evaluation criteria used by the transmission planning regions to identify and select the more efficient or cost-effective regional transmission facilities.

The conference will be held remotely. The Commission will issue a supplemental notice providing the agenda for the technical conference.

Individuals interested in participating as panelists should submit a self-nomination email by 5:00 p.m. Eastern Time on September 30, 2021, to [Timothy.Bialecki@ferc.gov](mailto:Timothy.Bialecki@ferc.gov). Each nomination should state the proposed panelist's name, contact information, organizational affiliation, and what topics the proposed panelist would speak on.

<sup>1</sup> *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection*, 176 FERC ¶ 61,024 (2021).

The conference will be open for the public to attend remotely. There is no fee for attendance. Information on this event will be posted on the Calendar of Events on the Commission's website, [www.ferc.gov](http://www.ferc.gov), prior to the event.

The conference will be transcribed. Transcripts will be available for a fee from Ace Reporting at (202) 347-3700.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to [accessibility@ferc.gov](mailto:accessibility@ferc.gov) or call toll free (866) 208-3372 (voice) or (202) 208-8659 (TTY), or send a fax to (202) 208-2106 with the required accommodations.

For more information about this technical conference, please contact David Tobenkin at [David.Tobenkin@ferc.gov](mailto:David.Tobenkin@ferc.gov) or (202) 502-6445. For legal information, please contact Lina Naik at [Lina.Naik@ferc.gov](mailto:Lina.Naik@ferc.gov) or (202) 502-8882. For information related to logistics, please contact Sarah McKinley at [Sarah.McKinley@ferc.gov](mailto:Sarah.McKinley@ferc.gov) or (202) 502-8368.

Dated: September 16, 2021.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2021-20489 Filed 9-21-21; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP21-494-000]

#### Southern Star Central Gas Pipeline, Inc.; Notice of Application and Establishing Intervention Deadline

Take notice that on September 10, 2021, Southern Star Central Gas Pipeline, Inc. (Southern Star), 4700 State Route 56, Owensboro, Kentucky 42301, filed an application under section 7(b) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations for authorization to abandon by sale to Kansas Gas Service, a division of ONE Gas, Inc. (KGS) certain delivery point facilities (Facilities) in Leavenworth County, Kansas, which connect Southern Star to the U.S. Penitentiary at Leavenworth (Penitentiary). The Facilities to be abandoned by sale are not used to provide direct firm service on behalf of any shipper, but currently provide secondary firm service to the Penitentiary, who now desires to become a firm customer of KGS. After the proposed sale, KGS will use the Facilities to directly serve the

Penitentiary with gas transported by Southern Star under firm service agreements with KGS. Southern Star asserts that there will be no change to its certificated capacity and no impact on any of its firm shippers as a part of the proposed abandonment by sale, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Any questions regarding Southern Star's application may be directed to Cindy Thompson, Manager, Regulatory & Compliance, Southern Star Central Gas Pipeline, Inc., 4700 State Route 56, Owensboro, Kentucky 42301, by telephone at (270) 852-4655 or by email at [cindy.thompson@southernstar.com](mailto:cindy.thompson@southernstar.com).

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,<sup>1</sup> within 90 days of this Notice the Commission staff will either: Complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of

the date of issuance of the Commission staff's FEIS or EA.

#### Public Participation

There are three ways to become involved in the Commission's review of this project: You can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on September 29, 2021. How to file comments and motions to intervene is explained below.

#### Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before September 29, 2021. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

#### Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,<sup>2</sup> has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure<sup>3</sup> and the regulations under the NGA<sup>4</sup> by the intervention deadline for the project, which is September 29, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as

<sup>2</sup> 18 CFR 385.102(d).

<sup>3</sup> 18 CFR 385.214.

<sup>4</sup> 18 CFR 157.10.

<sup>1</sup> 18 CFR (Code of Federal Regulations) § 157.9.

your interest in the proceeding. [For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene.] For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to-intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

#### *How To File Comments and Interventions*

There are two ways to submit your comments and motions to intervene to the Commission. In all instances, please reference the Project docket number CP21-494-000 in your submission. The Commission encourages electronic filing of submissions.

(1) You may file your comments or motions to intervene electronically by using the eFiling feature, which is located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Comment on a Filing" or "Intervention"; or

(2) You can file a paper copy of your comments by mailing them to the following address below. Your written comments must reference the Project docket number (CP21-494-000).

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To mail via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

Motions to intervene must be served on the applicant either by mail or email

(with a link to the document) at: Southern Star Central Gas Pipeline, Inc., 4700 State Route 56, Owensboro, Kentucky 42301, by telephone at (270) 852-4655 or by email at [cindy.thompson@southernstar.com](mailto:cindy.thompson@southernstar.com).

Any subsequent submissions by an intervenor must be served on the applicants and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed<sup>5</sup> motions to intervene are automatically granted by operation of Rule 214(c)(1).<sup>6</sup> Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.<sup>7</sup> A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

#### **Tracking the Proceeding**

Throughout the proceeding, additional information about the projects will be available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at [www.ferc.gov](http://www.ferc.gov) using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

Intervention Deadline: 5:00 p.m. Eastern Time on September 29, 2021.

<sup>5</sup> The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

<sup>6</sup> 18 CFR 385.214(c)(1).

<sup>7</sup> 18 CFR 385.214(b)(3) and (d).

Dated: September 15, 2021.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2021-20461 Filed 9-21-21; 8:45 am]

BILLING CODE 6717-01-P

## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

[Project No. 2905-035]

#### **Village of Enosburg Falls, Vermont; Notice Soliciting Scoping Comments**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 2905-035.

c. *Date Filed:* April 30, 2021.

d. *Applicant:* Village of Enosburg Falls, Vermont (Village).

e. *Name of Project:* Enosburg Falls Hydroelectric Project (project).

f. *Location:* On the Missisquoi River in Franklin County, Vermont. The project does not occupy any federal land.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Paul V. Nolan, Representative of Village of Enosburg Falls, 5515 North 17th Street, Arlington, VA 22205-2722; phone at (703) 534-5509; email at [pvnvpndiver@gmail.com](mailto:pvnvpndiver@gmail.com).

i. *FERC Contact:* John Baummer at (202) 502-6837, or [john.baummer@ferc.gov](mailto:john.baummer@ferc.gov).

j. *Deadline for filing scoping comments:* October 15, 2021.

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at <https://ferconline.ferc.gov/FEROnline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FEROnlineSupport@ferc.gov](mailto:FEROnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal



Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Enosburg Falls Hydroelectric Project (P-2905-035).

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. The application is not ready for environmental analysis at this time.

l. The existing project consists of: (1) A 195-foot-long, 18.5-foot-high concrete gravity dam; (2) an impoundment with a surface area of 121 acres at an elevation of 386.87 feet National Geodetic Vertical Datum of 1929 (NGVD 29); (3) a steel headgate structure that includes three sluice gates; (4) an 80-foot-long steel penstock that provides flow to a 375-kilowatt (kW) semi-Kaplan turbine-generator unit located in a powerhouse (Kendall Plant); (5) an approximately 5-foot-long tailrace that discharges to the Missisquoi River from the Kendall Plant; (6) an approximately 210-foot-long headrace canal located downstream of the headgate structure; (7) an intake structure, at the downstream end of the headrace canal, equipped with a sluice gate and a trashrack; (8) a powerhouse containing a 600-kW vertical Kaplan turbine-generator unit (Village Plant); (9) an approximately 240-foot-long tailrace that discharges from the Village Plant to the Missisquoi River; and (10) appurtenant facilities. The project creates an approximately 1,400-foot-long bypassed reach of the Missisquoi River.

The Village voluntarily operates the project in a run-of-river mode. Article 401 of the current license requires the Village to: (1) Maintain a minimum flow of 293 cubic feet per second (cfs) from April 15–June 15, and 120 cfs from June 16–April 14, or inflow, whichever is less, from the Kendall Plant to the bypassed reach; and (2) maintain a year-round minimum flow of 293 cfs or inflow, whichever is less, from the Village Plant to the downstream reach of the Missisquoi River.

The Village proposes to: (1) Continue operating the project in a run-of-river mode; (2) provide a year-round minimum flow of 243 cfs, or inflow, whichever is less, from the Kendall Plant to the bypassed reach; (3) develop

a recreation management plan for improving recreation at the project; (4) release 1 inch of spill over the top of the project dam crest gates to provide an aesthetic veil of flow over the dam; (5) develop an operation compliance monitoring plan for maintaining minimum flows, impoundment levels, and run-of-river operation; and (6) develop a historic properties management plan to address and mitigate project effects on historic properties.

m. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

n. You may also register online at <https://ferconline.ferc.gov/FERCOnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

#### o. Scoping Process.

Commission staff will prepare either an environmental assessment (EA) or an Environmental Impact Statement (EIS) that describes and evaluates the probable effects, if any, of the licensee's proposed action and alternatives. The EA or EIS will consider environmental impacts and reasonable alternatives to the proposed action. The Commission's scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the Commission prepares an EA or an EIS. At this time, we do not anticipate holding on-site scoping meetings. Instead, we are soliciting written comments and suggestions on the preliminary list of issues and alternatives to be addressed in the NEPA document, as described in scoping document 1 (SD1), issued September 15, 2021.

Copies of the SD1 outlining the subject areas to be addressed in the NEPA document were distributed to the parties on the Commission's mailing list and the applicant's distribution list. Copies of SD1 may be viewed on the web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call 1-866-208-3676 or for TTY, (202) 502-8659.

Dated: September 15, 2021.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2021-20460 Filed 9-21-21; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG21-253-000.

*Applicants:* Bay Tree Solar, LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of Bay Tree Solar, LLC.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916-5053.

*Comment Date:* 5 p.m. ET 10/7/21.

*Docket Numbers:* EG21-254-000.

*Applicants:* Bay Tree Lessee, LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator status of Bay Tree Lessee, LLC.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916-5058.

*Comment Date:* 5 p.m. ET 10/7/21.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER21-2214-001.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* Compliance filing: 2021-09-16 Att X Financial Improvements and PGIA Compliance Filing to be effective 12/31/9998.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916-5043.

*Comment Date:* 5 p.m. ET 10/7/21.

*Docket Numbers:* ER21-2892-000.

*Applicants:* Prairie Wolf Solar, LLC.

*Description:* Baseline eTariff Filing: Reactive Power Compensation Filing to be effective 11/14/2021.

*Filed Date:* 9/15/21.

*Accession Number:* 20210915-5147.

*Comment Date:* 5 p.m. ET 10/6/21.

*Docket Numbers:* ER21-2893-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Original WMPA, SA No. 6171; Queue No. AF2-276 to be effective 8/25/2021.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916-5015.

*Comment Date:* 5 pm ET 10/7/21.

*Docket Numbers:* ER21-2894-000.

*Applicants:* New York Independent System Operator, Inc., Niagara Mohawk Power Corporation.



*Description:* § 205(d) Rate Filing: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 205 Reimbursement Agreement between NMPC and NYSEG, SA2649 to be effective 8/18/2021.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916–5050.

*Comment Date:* 5 p.m. ET 10/7/21.

*Docket Numbers:* ER21–2895–000.

*Applicants:* Cedar Springs

Transmission LLC.

*Description:* Tariff Amendment: Notice of Cancellation of MBR Tariff of Cedar Springs Transmission, LLC to be effective 9/17/2021.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916–5072.

*Comment Date:* 5 p.m. ET 10/7/21.

*Docket Numbers:* ER21–2896–000.

*Applicants:* Wheatridge Wind Energy, LLC.

*Description:* Tariff Amendment: Notice of Cancellation of MBR Tariff of Wheatridge Wind Energy, LLC to be effective 9/17/2021.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916–5074.

*Comment Date:* 5 p.m. ET 10/7/21.

*Docket Numbers:* ER21–2897–000.

*Applicants:* PacifiCorp.

*Description:* § 205(d) Rate Filing: Const Agmt Idaho Falls/Sugarmill 46kV Differential to be effective 11/16/2021.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916–5103.

*Comment Date:* 5 p.m. ET 10/7/21.

Take notice that the Commission received the following qualifying facility filings:

*Docket Numbers:* QF21–1017–000.

*Applicants:* Bloom Energy Corporation.

*Description:* Form 556 of Bloom Energy Corporation.

*Filed Date:* 6/21/21.

*Accession Number:* 20210618–5136.

*Comment Date:* 5 pm ET 10/7/21.

*Docket Numbers:* QF21–1246–000.

*Applicants:* Bloom Energy Corporation.

*Description:* Form 556 of Bloom Energy Corporation [Fairfield].

*Filed Date:* 9/16/21.

*Accession Number:* 20210916–5045.

*Comment Date:* 5 p.m. ET 10/7/21.

*Docket Numbers:* QF21–1247–000.

*Applicants:* Bloom Energy Corporation.

*Description:* Form 556 of Bloom Energy Corporation [4501 Colorado Blvd].

*Filed Date:* 9/16/21.

*Accession Number:* 20210916–5060.

*Comment Date:* 5 p.m. ET 10/7/21.

Take notice that the Commission received the following electric reliability filings:

*Docket Numbers:* RD21–6–000.

*Applicants:* North American Electric Reliability Corporation.

*Description:* Petition of the North American Electric Reliability Corporation for Approval of Proposed Reliability Standards CIP–004–7 and CIP–011–3 Addressing Bulk Electric System Cyber System Information Access Management.

*Filed Date:* 9/15/21.

*Accession Number:* 20210915–5199.

*Comment Date:* 5 p.m. ET 10/6/21.

Take notice that the Commission received the following electric reliability filings:

*Docket Numbers:* RR20–6–001.

*Applicants:* North American Electric Reliability Corporation.

*Description:* Request of the North American Electric Reliability Corporation to expend funds from its Operating Contingency Reserve to fund an early termination option of its Atlanta office lease.

*Filed Date:* 9/15/21.

*Accession Number:* 20210915–5195.

*Comment Date:* 5 pm ET 9/29/21.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 16, 2021.

**Kimberly D. Bose,**

Secretary.

[FR Doc. 2021–20492 Filed 9–21–21; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

#### Filings Instituting Proceedings

*Docket Numbers:* RP21–1114–000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* § 4(d) Rate Filing: 9.15.21 Negotiated Rates—Spark Energy Gas, LLC R–3045–27 to be effective 11/1/2021.

*Filed Date:* 9/15/21.

*Accession Number:* 20210915–5041.

*Comment Date:* 5 p.m. ET 9/27/21.

*Docket Numbers:* RP21–1115–000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* § 4(d) Rate Filing: 9.15.21 Negotiated Rates—Spark Energy Gas, LLC R–3045–28 to be effective 11/1/2021.

*Filed Date:* 9/15/21.

*Accession Number:* 20210915–5043.

*Comment Date:* 5 p.m. ET 9/27/21.

*Docket Numbers:* RP21–1116–000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* § 4(d) Rate Filing: 9.15.21 Negotiated Rates—Twin Eagle Resource Management, LLC R–7300–20 to be effective 11/1/2021.

*Filed Date:* 9/15/21.

*Accession Number:* 20210915–5047.

*Comment Date:* 5 p.m. ET 9/27/21.

*Docket Numbers:* RP21–1117–000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* § 4(d) Rate Filing: 9.15.21 Negotiated Rates—Twin Eagle Resource Management, LLC R–7300–21 to be effective 11/1/2021.

*Filed Date:* 9/15/21.

*Accession Number:* 20210915–5049.

*Comment Date:* 5 p.m. ET 9/27/21.

*Docket Numbers:* RP21–1118–000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* § 4(d) Rate Filing: 9.15.21 Negotiated Rates—Uniper Global Commodities North America LLC R–7650–04 to be effective 11/1/2021.

*Filed Date:* 9/15/21.

*Accession Number:* 20210915–5053.

*Comment Date:* 5 p.m. ET 9/27/21.

*Docket Numbers:* RP21–1119–000.

*Applicants:* Tres Palacios Gas Storage LLC.

*Description:* Annual Penalty Disbursement Report of Tres Palacios Gas Storage LLC under RP21–1119.

*Filed Date:* 9/15/21.

*Accession Number:* 20210915–5093.

*Comment Date:* 5 p.m. ET 9/27/21.

*Docket Numbers:* RP21–1120–000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* § 4(d) Rate Filing: 9.16.21 Negotiated Rates—Citadel Energy Marketing LLC R–7705–08 to be effective 11/1/2021.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916–5004.

*Comment Date:* 5 p.m. ET 9/28/21.

*Docket Numbers:* RP21–1121–000.

*Applicants:* Iroquois Gas

Transmission System, L.P.

*Description:* § 4(d) Rate Filing: 9.16.21

Negotiated Rates—Citadel Energy

Marketing LLC R–7705–07 to be

effective 11/1/2021.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916–5005.

*Comment Date:* 5 p.m. ET 9/28/21.

*Docket Numbers:* RP21–1122–000.

*Applicants:* Iroquois Gas

Transmission System, L.P.

*Description:* § 4(d) Rate Filing: 9.16.21

Negotiated Rates—Macquarie Energy

LLC R–4090–23 to be effective 11/1/

2021.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916–5006.

*Comment Date:* 5 p.m. ET 9/28/21.

*Docket Numbers:* RP21–1123–000.

*Applicants:* Tennessee Gas Pipeline Company, L.L.C.

*Description:* § 4(d) Rate Filing:

Volume No. 2—Cabot Oil SP359490 &

Citadel SP367774 to be effective 11/1/

2021.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916–5018.

*Comment Date:* 5 p.m. ET 9/28/21.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

#### **Filings in Existing Proceedings**

*Docket Numbers:* RP19–351–005.

*Applicants:* Tennessee Gas Pipeline Company, L.L.C.

*Description:* Compliance filing: 2021 Settlement Rates Docket No. RP19–351–005 to be effective 11/1/2021.

*Filed Date:* 9/15/21.

*Accession Number:* 20210915–5025.

*Comment Date:* 5 p.m. ET 9/27/21.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests,

service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 16, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2021–20482 Filed 9–21–21; 8:45 am]

**BILLING CODE 6717–01–P**

## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

**[Docket No. TX21–6–000]**

#### **EnerSmart Chula Vista BESS LLC; Notice of Filing**

Take notice that on September 14, 2021, pursuant to section 211 of the Federal Power Act,<sup>1</sup> EnerSmart Chula Vista BESS LLC (EnerSmart Chula Vista) filed an application requesting that the Federal Energy Regulatory Commission (Commission) issue an order requiring San Diego Gas & Electric Company (SDG&E) to provide interconnection and transmission services for delivery of the output from EnerSmart Chula Vista's two (2) 3 MW battery energy storage system across SDG&E Participating Transmission Owner's Interconnection Facilities to Points of Interconnection with the California Independent System Operator Corporation Controlled Grid, including Network Upgrades to be constructed to accommodate service to EnerSmart Chula Vista.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to

view and/or print the contents of this document via the internet through the Commission's Home Page (<http://ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

*Comment Date:* 5:00 p.m. Eastern Time on October 5, 2021.

Dated: September 16, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2021–20487 Filed 9–21–21; 8:45 am]

**BILLING CODE 6717–01–P**

## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

**[Project No. 2343–087]**

#### **PE Hydro Generation, LLC; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Recreation Plan Update.

b. *Project No:* 2343–087.

c. *Date Filed:* August 23, 2021.

d. *Applicant:* PE Hydro Generation, LLC.

e. *Name of Project:* Millville Hydroelectric Project.

f. *Location:* The project is located on the Shenandoah River in Jefferson County, West Virginia and does not occupy federal lands.

<sup>1</sup> 16 U.S.C. 824j (2018).

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Joyce Foster, PE Hydro Generation, LLC, Two Bethesda Metro Center, Suite 1330, Bethesda, MD 20814; telephone (804) 338–5110; or email [joyce.foster@eaglecreekre.com](mailto:joyce.foster@eaglecreekre.com).

i. *FERC Contact:* Mark Ivy, (202) 502–6156, or [mark.ivy@ferc.gov](mailto:mark.ivy@ferc.gov).

j. *Deadline for filing comments, motions to intervene, and protests:* October 15, 2021.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P–2343–087. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The licensee filed a Recreation Plan updated to reflect recently completed recreation enhancements and modifications to operations and maintenance of recreation facilities. The Recreation Plan includes a description of the recreation facilities available at each project recreation site and indicates that existing facilities are adequate to meet

current and future recreation demand at the project.

l. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208–3676 or TTY, (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: September 15, 2021.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2021–20459 Filed 9–21–21; 8:45 am]

BILLING CODE 6717–01–P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2019–0540; FRL–8998–01–OLEM]

### Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or Superfund, Section 128(a); Notice of Grant Funding Guidance for State and Tribal Response Programs for Fiscal Year 2022

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, authorizes a noncompetitive \$50 million grant program to establish or enhance state and tribal response programs. These response programs generally address the assessment, cleanup, and redevelopment of brown fields sites and other sites with actual or perceived contamination. For Fiscal Year (FY) 2022, the Environmental Protection Agency (EPA) will consider grant requests up to a maximum of \$1.0 million per state or tribe. This document announces the availability of guidance that will assist states and tribes in the development and submission of CERCLA section 128(a) noncompetitive funding requests and utilization of these funds.

**DATES:** The FY 2022 CERCLA section 128(a) grant funding guidance is applicable as of October 1, 2021, and EPA Regional offices will accept requests for section 128(a) noncompetitive grant awards through December 17, 2021.

**FOR FURTHER INFORMATION CONTACT:** Melissa Papasavvas, Office of Brownfields and Land Revitalization, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number (202) 566–0435.

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

##### A. Does this action apply to me?

You may be affected by this action if you administer a State or Tribal response program that oversees

assessment and cleanup activities at brownfield sites across the country. Note: the CERCLA definition of “State” includes US Territories and the District of Columbia (CERCLA section 101(27)).

*B. How can I get copies of the grant funding guidance and other related information?*

1. *Docket.* The docket for this action, identified by docket identification (ID) number EPA–HQ–OLEM–2019–0540, is available online at <https://www.regulations.gov>.

2. *EPA Website.* To access the FY22 section 128(a) grant funding guidance on EPA’s website, please go to <https://www.epa.gov/brownfields/types-brownfields-grant-funding>.

## II. Authority

CERCLA section 128(a) (42 U.S.C. 9628(a)) authorizes a noncompetitive \$50 million grant program to “establish or enhance” state and tribal response programs. CERCLA section 128(a)(1)(B)(ii)(III) authorizes a noncompetitive \$1.5 million technical assistance grant program to assist small communities, Indian tribes, rural areas, or disadvantaged areas to carry out activities outlined in CERCLA section 104(k)(7) (42 U.S.C. 9604(k)(7)) (*i.e.*, providing training, research, and technical assistance to individuals and organizations, as appropriate, to facilitate the inventory of brownfields sites, site assessments, remediation of brownfield sites, community involvement, or site preparation).

## III. Background

1. *General.* State and tribal response programs oversee assessment and cleanup activities at brownfield sites across the country. The depth and breadth of these programs vary. Some focus on CERCLA-related activities, while others are multi-faceted, addressing sites regulated by both CERCLA and the Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*). Many states also offer

accompanying financial incentive programs to spur cleanup and redevelopment. In enacting the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. 107–118, 115 Stat. 2356), which added section 128 to CERCLA, Congress recognized the value of state and tribal response programs in cleaning up and redeveloping brownfield sites. Section 128(a) strengthens EPA’s partnerships with states and tribes and recognizes their response programs’ critical role in overseeing cleanups.

Section 128(a) response program grants are funded with categorical State and Tribal Assistance Grant (STAG) appropriations. Categorical grants are issued by Congress to fund state and local governments for narrowly-defined purposes. This funding is intended for those states and tribes that have the required management and administrative capacity within their government to administer a federal grant. The primary goal of this funding is to ensure that state and tribal response programs include, or are taking reasonable steps to include, certain elements of an environmental response program and that the program establishes and maintains a public record of sites addressed.

Section 128(a) cooperative agreements are awarded and administered by the EPA regional offices. Generally, these response programs address the assessment, cleanup, and redevelopment of brownfields sites and other sites with actual or perceived contamination. Subject to the availability of funds, EPA regional personnel will provide technical assistance to states and tribes as they apply for and carry out section 128(a) cooperative agreements.

2. *Catalogue of Federal Domestic Assistance (CFDA) and EPA Funding Opportunity Number (FON).* The CFDA entry for the section 128(a) State and Tribal Response Program cooperative agreements is 66.817. The FON for FY

2022 section 128(a) funds is EPA–CEP–02. This grant program is eligible to be included in state and tribal Performance Partnership Grants under 40 CFR part 35 Subparts A and B, with the following exceptions: funds used to capitalize a revolving loan fund for brownfield remediation under CERCLA section 104(k)(3); funds received for technical assistance under CERCLA section 128(a)(1)(B)(ii)(III); and funds used to purchase environmental insurance or developing a risk sharing pool, an indemnity pool, or insurance mechanism to provide financing for response actions under a State or Tribal response program.

3. *Application period.* Requests for funding should be sent to the appropriate Regional EPA contact and will be accepted from October 1, 2021 through December 17, 2021. Requests EPA Regional offices receive after December 17, 2021 will not be considered for FY 2022 funding. States or tribes that do not submit the request in the appropriate manner may forfeit their ability to receive funds. First time requestors are strongly encouraged to contact their respective Regional EPA Brownfields contacts, identified in Table 1, prior to submitting their funding request. EPA will consider funding requests up to a maximum of \$1.0 million per state or tribe for FY 2022.

Requests submitted by the December 17, 2021 request deadline are preliminary; final cooperative agreement work plans and budgets will be negotiated with the EPA regional offices once final funding allocation determinations are made. As in previous years, EPA will place special emphasis on reviewing a cooperative agreement recipient’s use of prior section 128(a) funding in making allocation decisions, and unexpended balances are subject to 40 CFR 35.118 and 35.518 to the extent consistent with this guidance. EPA will also prioritize funding for recipients establishing their response programs.

TABLE 1—EPA REGIONAL BROWNFIELDS CONTACTS FOR STATE AND TRIBAL RESPONSE PROGRAMS

Region	State	Tribal
1—CT, ME, MA, NH, RI, VT .....	AmyJean McKeown, 5 Post Office Square, Suite 100 (OSRR07–2), Boston, MA 02109–3912, Phone (617) 918–1248, Fax (617) 918–1294.	AmyJean McKeown, 5 Post Office Square, Suite 100 (OSRR07–2), Boston, MA 02109–3912, Phone (617) 918–1248, Fax (617) 918–1294.
2—NJ, NY, PR, VI .....	John Struble, 290 Broadway, 25th Floor, New York, NY 10007–1866, Phone (212) 637–4291, Fax (212) 637–3083.	John Struble, 290 Broadway, 25th Floor, New York, NY 10007–1866, Phone (212) 637–4291, Fax (212) 637–3083.
3—DE, DC, MD, PA, VA, WV .....	Mike Taurino, 1650 Arch Street (3HS51), Philadelphia, PA 19103, Phone (215) 814–3371, Fax (215) 814–3274.	Mike Taurino, 1650 Arch Street (3HS51), Philadelphia, PA 19103, Phone (215) 814–3371, Fax (215) 814–3274.
4—AL, FL, GA, KY, MS, NC, SC, TN .....	Cindy Nolan, 61 Forsyth Street, SW, 10TH FL (9T25), Atlanta, GA 30303–8960, Phone (404) 562–8425, Fax (404) 562–8788.	Cindy Nolan, 61 Forsyth Street, SW, 10TH FL (9T25), Atlanta, GA 30303–8909, Phone (404) 562–8425, Fax (404) 562–8788.

TABLE 1—EPA REGIONAL BROWNFIELDS CONTACTS FOR STATE AND TRIBAL RESPONSE PROGRAMS—Continued

Region	State	Tribal
5—IL, IN, MI, MN, OH, WI .....	Keary Cragan, 77 West Jackson Boulevard (SB-5J), Chicago, IL 60604-3507, Phone (312) 353-5669, Fax (312) 692-2161.	Rosita Clarke, 77 West Jackson Boulevard (SB-5J), Chicago, IL 60604-3507, Phone (312) 886-7251, Fax (312) 697-2075.
6—AR, LA, NM, OK, TX .....	Ana Esquivel, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, Phone (214) 665-3163, Fax (214) 665-6660.	Elizabeth Reyes, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, Phone (214) 665-2194, Fax (214) 665-6660.
7—IA, KS, MO, NE .....	Susan Klein, 11201 Renner Boulevard (LCRD/BSPP), Lenexa, KS 66219, Phone (913) 551-7786.	Jennifer Morris, 11201 Renner Boulevard ((LCRD/BSPP), Lenexa, KS 66219, Phone (913) 551-7341.
8—CO, MT, ND, SD, UT, WY .....	Christina Wilson, 1595 Wynkoop Street (8LCR-BR), Denver, CO 80202-1129, Phone (303) 312-6706, Fax (303) 312-6065.	Melisa Devincenzi, 1595 Wynkoop Street (8LCR-BR), Denver, CO 80202-1129, Phone (303) 312-6377, Fax (303) 312-6962.
9—AZ, CA, HI, NV, AS, GU, MP .....	Jose Garcia, Jr., 600 Wilshire Blvd., Suite 1460, Los Angeles, CA 90017, Phone (213) 244-1811, Fax (213) 244-1850.	Jose Garcia, Jr., 600 Wilshire Blvd., Suite 1460, Los Angeles, CA 90017, Phone (213) 244-1811, Fax (213) 244-1850.
10—AK, ID, OR, WA .....	Madison Sanders-Curry, 1200 Sixth Ave., Suite 155 (mail code 15-H04), Seattle, WA 98101, Phone (206) 553-1889, Fax (206) 553-8581.	Madison Sanders-Curry, 1200 Sixth Ave., Suite 155 (mail code 15-H04), Seattle, WA 98101, Phone (206) 553-1889, Fax (206) 553-8581.

*Authority:* 42 U.S.C. 9628(a).

*Dated:* September 16, 2021.

**David R. Lloyd,**

*Director, Office of Brownfields and Land Revitalization.*

[FR Doc. 2021-20470 Filed 9-21-21; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[R01-OW-2021; FRL-8930-01-R1]

### Program Requirement Revisions Related to the Public Water System Supervision Programs for the Commonwealth of Massachusetts and the State of Rhode Island

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the State of Rhode Island and the Commonwealth of Massachusetts are revising their respective approved Public Water System Supervision (PWSS) programs to meet the requirements of the Safe Drinking Water Act (SDWA).

**DATES:** All interested parties may request a public hearing for any of the above EPA determinations. A request for a public hearing must be submitted by October 22, 2021 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator.

However, if a substantial request for a public hearing is made by this date, a public hearing will be held. If no timely and appropriate request for a hearing is received, and the Regional Administrator does not elect to hold a

hearing on his/her own motion, this determination shall become final and effective October 22, 2021.

Any request for a public hearing shall include the following information: (1) The name, address, and telephone number of the individual organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination; (3) information that the requesting person intends to submit at such hearing; and (4) the signature of the individual making the request, or if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

**ADDRESSES:** All documents relating to this determination are available for inspection between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, at the following office(s) below. Please call to arrange a visit.

U.S. Environmental Protection, Water Division, 5 Post Office Square, Suite 100, Boston, MA 02109-3912

For state-specific documents: Massachusetts Department of Environmental Protection, Drinking Water Program, One Winter Street, Boston, MA 02108, Rhode Island Department of Public Health, Division of Drinking Water Quality, 3 Capitol Hill, Providence, RI 02908-5097

**FOR FURTHER INFORMATION CONTACT:** Jeri Weiss, U.S. EPA—New England, Water Division, telephone (617) 918-1568.

**SUPPLEMENTARY INFORMATION:** The Commonwealth of Massachusetts has adopted a drinking water regulation for the Revised Total Coliform Rule (78 FR 10269) promulgated on February 13,

2013. After review of documentation submitted by the Commonwealth, the Environmental Protection Agency (EPA) has determined that the Commonwealth's Revised Total Coliform Rule is no less stringent than the corresponding federal regulations.

The State of Rhode Island has adopted a drinking water regulation for the Revised Total Coliform Rule (78 FR 10269) promulgated on February 13, 2013. After review of documentation submitted by the state, the Environmental Protection Agency (EPA) has determined that the state's Revised Total Coliform Rule is no less stringent than the corresponding federal regulations.

*Authority:* Section 1401 (42 U.S.C. 300f) and Section 1413 (42 U.S.C. 300g-2) of the Safe Drinking Water Act, as amended (1996), and (40 CFR 142.10) of the National Primary Drinking Water Regulations.

*Dated:* September 14, 2021.

**Deborah A. Szaro,**

*Acting Regional Administrator, EPA Region 1—New England.*

[FR Doc. 2021-20436 Filed 9-21-21; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8995-01-OW]

### Meeting of the National Drinking Water Advisory Council

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of a public meeting.

**SUMMARY:** The U.S. Environmental Protection Agency's (EPA) Office of Ground Water and Drinking Water is

announcing a virtual meeting of the National Drinking Water Advisory Council (NDWAC or Council) as authorized under the Safe Drinking Water Act (SDWA). The purpose of the meeting is to allow members of the NDWAC's Consumer Confidence Report Rule Revision (CCR3) Working Group to present their preliminary recommendations to the Council on targeted issues relating to CCR rule revisions as required under the America's Water Infrastructure Act (AWIA) of 2018. Information about the CCR3 Working Group along with EPA's charge to the NDWAC, to provide advice and recommendations to the agency related to revisions of the CCR rule in the areas of accessibility challenges; advancing environmental justice to better support underserved communities; improving readability, understandability, clarity, and accuracy of information and risk communication of CCRs; and CCR delivery methods may be found on EPA's website at <https://www.epa.gov/ndwac>. The NDWAC will meet again at a later date to review the Working Group's final report to the Council and to develop advice and recommendations from the Council to EPA.

**DATES:** The meeting will be held on October 12, 2021, from 10:30 a.m. to 2:30 p.m. eastern time.

**ADDRESSES:** This will be a virtual meeting. There will be no in-person gathering for this meeting. For more information about attending, providing oral statements, and accessibility for the meeting, as well as sending written comments, see the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Corr, NDWAC Designated Federal Officer, Office of Ground Water and Drinking Water (Mail Code 4601), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 564-3798; email address: [corr.elizabeth@epa.gov](mailto:corr.elizabeth@epa.gov).

**SUPPLEMENTARY INFORMATION:**

*Attending the Meeting:* The meeting will be open to the general public. The meeting agenda and information on how to register for and attend the meeting online will be provided on EPA's website at <https://www.epa.gov/ndwac> prior to the meeting.

*Oral Statements:* EPA will allocate 60 minutes for the public to present oral comments during the meeting. Oral statements will be limited to five minutes per person during the public comment period. It is preferred that only one person present a statement on behalf of a group or organization.

Persons interested in presenting an oral statement should send an email to [OGWDWCCRrevisions@epa.gov](mailto:OGWDWCCRrevisions@epa.gov) by noon, eastern time, on October 4, 2021. The subject line of the email should be "Attention Elizabeth Corr: Request to present oral comments."

*Written Statements:* Any person who wishes to file a written statement can do so before or after the Council meeting. Send written statements by email to [OGWDWCCRrevisions@epa.gov](mailto:OGWDWCCRrevisions@epa.gov) or see the **FOR FURTHER INFORMATION CONTACT** section of this document if sending statements by mail. Written statements received by noon, eastern time, on October 5, 2021, will be shared with all members of the Council and the CCR3 Working Group prior to the meeting. Statements received after that time for up to 30 days after the meeting will become part of the permanent file for the meeting and will be shared with the Council and Working Group members after conclusion of the meeting.

*Accessibility:* For information on access or services for individuals with disabilities, or to request accommodations for a disability, please contact Elizabeth Corr by email at [corr.elizabeth@epa.gov](mailto:corr.elizabeth@epa.gov), or by phone at (202) 564-3798, preferably at least 10 days prior to the meeting to allow as much time as possible to process your request.

*National Drinking Water Advisory Council:* The NDWAC was created by Congress on December 16, 1974, as part of the Safe Drinking Water Act (SDWA) of 1974, Public Law 93-523, 42 U.S.C. 300j-5, and is operated in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2. The NDWAC was established to advise, consult with, and make recommendations to the EPA Administrator on matters relating to activities, functions, policies, and regulations under the SDWA. General information about the NDWAC is available at: <https://www.epa.gov/ndwac>.

**Jennifer L. McLain,**

*Director, Office of Ground Water and Drinking Water.*

[FR Doc. 2021-20498 Filed 9-21-21; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8984-01-OA]

### Notification of Public Meetings of the Clean Air Scientific Advisory Committee Particulate Matter Panel

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The EPA Science Advisory Board (SAB) Staff Office announces two public meetings of the Clean Air Scientific Advisory Committee (CASAC) Particulate Matter (PM) Panel. A public meeting will be held for the CASAC PM Panel to receive a briefing from EPA on updates to the science assessment and updates to the policy assessment that support the agency's reconsideration of the 2020 PM National Ambient Air Quality Standards (NAAQS). A second public meeting will be held for the panel to peer review the agency's science assessment updates and policy assessment updates.

**DATES:** The public meeting for the panel to receive the briefing from EPA will be held on October 14, 2021, from 1:00 to 5:00 p.m. The public meeting for the panel to peer review the documents will be held on Wednesday, November 17, 2021, from 1:00 to 5:00 p.m.; Thursday, November 18, 2021, from 1:00 to 5:00 p.m.; Friday, November 19, 2021, from 1:00 to 5:00 p.m.; Wednesday, December 1, 2021, from 1:00 to 5:00 p.m.; and Thursday, December 2, 2021, from 1:00 to 5:00 p.m. All times listed are in Eastern Time.

**ADDRESSES:** The meetings will be conducted virtually. Please refer to the CASAC website at <https://casac.epa.gov> for details on how to access the meeting.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public wishing further information regarding this notice may contact Mr. Aaron Yeow, Designated Federal Officer (DFO), SAB Staff Office, by telephone at (202) 564-2050 or via email at [yeow.aaron@epa.gov](mailto:yeow.aaron@epa.gov). General information concerning the CASAC, as well as any updates concerning the meetings announced in this notice can be found on the CASAC website: <https://casac.epa.gov>.

**SUPPLEMENTARY INFORMATION:**

*Background:* The CASAC was established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409(d)(2), to review air quality criteria and NAAQS and recommend to the EPA Administrator any new NAAQS and revisions of existing criteria and NAAQS as may be appropriate. The

CASAC shall also: Advise the EPA Administrator of areas in which additional knowledge is required to appraise the adequacy and basis of existing, new, or revised NAAQS; describe the research efforts necessary to provide the required information; advise the EPA Administrator on the relative contribution to air pollution concentrations of natural as well as anthropogenic activity; and advise the EPA Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such NAAQS. As amended, 5 U.S.C., App. Section 109(d)(1) of the Clean Air Act (CAA) requires that EPA carry out a periodic review and revision, as appropriate, of the air quality criteria and the NAAQS for the six "criteria" air pollutants, including PM.

The CASAC is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2, and conducts business in accordance with FACA and related regulations. The CASAC and the CASAC PM Panel will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Pursuant to FACA and EPA policy, notice is hereby given that the CASAC PM Panel will hold a public meeting to receive a briefing from EPA on updates to the science assessment and updates to the policy assessment that support the agency's reconsideration of the 2020 PM NAAQS and a public meeting for the panel to peer review the agency's science assessment updates and policy assessment updates.

**Technical Contacts:** Any technical questions concerning EPA's updates to the PM science assessment should be directed to Mr. Jason Sacks ([sacks.jason@epa.gov](mailto:sacks.jason@epa.gov)). Any technical questions concerning EPA's updates to the PM policy assessment should be directed to Dr. Lars Perlmutter ([perlmutter.lars@epa.gov](mailto:perlmutter.lars@epa.gov)).

**Availability of Meeting Materials:** Prior to the meeting, the review documents, agenda and other materials will be accessible on the CASAC website: <https://casac.epa.gov>.

**Procedures for Providing Public Input:** Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide

independent advice to EPA. Members of the public can submit relevant comments on the topic of this advisory activity, including the charge to the CASAC and the EPA review documents, and/or the group conducting the activity, for the CASAC to consider as it develops advice for EPA. Input from the public to the CASAC will have the most impact if it provides specific scientific or technical information or analysis for CASAC to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should follow the instructions below to submit comments.

**Oral Statements:** Individuals or groups requesting an oral presentation during the public meeting will be limited to three minutes. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Interested parties should contact Mr. Aaron Yeow, DFO, in writing (preferably via email) at the contact information noted above by November 10, 2021, to be placed on the list of public speakers.

**Written Statements:** Written statements will be accepted throughout the advisory process; however, for timely consideration by CASAC members, statements should be supplied to the DFO (preferably via email) at the contact information noted above by November 10, 2021. It is the SAB Staff Office general policy to post written comments on the web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its websites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the CASAC website. Copyrighted material will not be posted without explicit permission of the copyright holder.

**Accessibility:** For information on access or services for individuals with disabilities, please contact Mr. Aaron Yeow at (202) 564-2050 or [yeow.aaron@epa.gov](mailto:yeow.aaron@epa.gov). To request accommodation of a disability, please contact the DFO, at the contact information noted above, preferably at least ten days prior to each meeting, to give EPA as much time as possible to process your request.

**V Khanna Johnston,**

*Deputy Director, Science Advisory Board Staff Office.*

[FR Doc. 2021-20439 Filed 9-21-21; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8956-01-OAR]

### Administration of Cross-State Air Pollution Rule Trading Program Assurance Provisions for 2020 Control Periods

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of data availability.

**SUMMARY:** The Environmental Protection Agency (EPA) is providing notice of the availability of data on the administration of the assurance provisions of the Cross-State Air Pollution Rule (CSAPR) trading programs for the control periods in 2020. Total emissions of nitrogen oxides (NO<sub>x</sub>) reported by Mississippi and Missouri units participating in the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program during the 2020 control period exceeded the respective states' assurance levels under the program. Data demonstrating the exceedances and EPA's final calculations of the amounts of additional allowances that the owners and operators of certain Mississippi and Missouri units must surrender have been posted in a spreadsheet on EPA's website.

**DATES:** September 22, 2021.

**FOR FURTHER INFORMATION CONTACT:**

Questions concerning this action should be addressed to Garrett Powers at (202) 564-2300 or [powers.jamesg@epa.gov](mailto:powers.jamesg@epa.gov).

**SUPPLEMENTARY INFORMATION:** The regulations for each CSAPR trading program contain "assurance provisions" designed to ensure that the emissions reductions required from each state covered by the program occur within the state. If the total emissions from a given state's affected units exceed the state's assurance level under the program, then two allowances must be surrendered for each ton of emissions exceeding the assurance level (in addition to the ordinary obligation to surrender one allowance for each ton of emissions). In the quarterly emissions reports covering the 2020 control period, Mississippi and Missouri units participating in the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program reported emissions that exceed the respective states' assurance levels under the program. Mississippi units exceeded that state's assurance level by 260 tons, resulting in a requirement for the surrender of 520 additional allowances, and Missouri units exceeded that state's assurance level by 2,438 tons, resulting



in a requirement for the surrender of 4,876 additional allowances.

When a state's assurance level is exceeded, responsibility for surrendering the required additional allowances is apportioned among groups of units in the state represented by "common designated representatives" based on the extent to which each such group's emissions exceeded the group's share of the state's assurance level. For the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program, the procedures are set forth at 40 CFR 97.802 (definitions of "common designated representative," "common designated representative's assurance level," and "common designated representative's share"), 97.806(c)(2), and 97.825.

On May 17, 2021, EPA published a document in the **Federal Register** providing notice of the data relied on to determine the amount of the exceedances of the Mississippi and Missouri assurance levels and the preliminary calculations of the amounts of additional allowances that the owners and operators of certain Mississippi and Missouri units must surrender as a result of the exceedances and describing the process for submitting any objections (85 FR 29445). EPA received no written submissions objecting to the data and preliminary calculations.

In this document, EPA is providing notice of the final calculations of the amounts of additional allowances that must be surrendered. Responsibility for surrendering 520 additional allowances for the Mississippi exceedance has been apportioned between the groups of units operated by Entergy Corporation (302 allowances) and Mississippi Power Company (218 allowances). Responsibility for surrendering 4,876 additional allowances for the Missouri exceedance has been apportioned between the groups of units operated by Associated Electric Cooperative, Inc. (4,862 allowances), the municipal utility of Chillicothe (2 allowances), and the municipal utility of Higginsville (12 allowances). Each set of owners and operators identified pursuant to this notice of the final calculations must hold the required additional allowances in an assurance account by November 1, 2021.

The data and final calculations are set forth in an Excel spreadsheet entitled "2020\_CSAPR\_assurance\_provision\_calculations\_final.xlsx" available at <http://www.epa.gov/csapr/csapr-assurance-provision-nodas>. The spreadsheet contains data for the 2020 control period showing, for each Mississippi and Missouri unit identified as affected under the CSAPR NO<sub>x</sub>

Ozone Season Group 2 Trading Program, the amount of NO<sub>x</sub> emissions reported by the unit and the amount of CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances allocated to the unit, including any allowances allocated from a new unit set-aside. The spreadsheet also contains calculations for the 2020 control period showing the total NO<sub>x</sub> emissions reported by all such units in each state and the amounts by which the total reported NO<sub>x</sub> emissions exceeded the respective states' assurance levels under the program. Finally, the spreadsheet also includes calculations for the 2020 control period showing, for each common designated representative for a group of such units in each state, the common designated representative's share of the total reported NO<sub>x</sub> emissions, the common designated representative's share of the state's assurance level, and the amount of additional CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances that the owners and operators of the units in the group must surrender.

(Authority: 40 CFR 97.825(b).)

**Rona Birnbaum,**

*Acting Director, Clean Air Markets Division,  
Office of Atmospheric Programs, Office of  
Air and Radiation.*

[FR Doc. 2021-20440 Filed 9-21-21; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

[ET Docket No. 19-257; FCC 21-92; FRS 47677]

### FCC Announces Two New Innovation Zones and Amends One Existing Innovation Zone for Program Experimental Licenses

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) creates two new Innovation Zones for Program Experimental Licenses in designated areas in and nearby the campuses of North Carolina State University (NC State Innovation Zone) in Raleigh, NC and Northeastern University (Northeastern Innovation Zone) in Boston, MA and expands the geographical boundary of the previously established Innovation Zone in New York City.

**ADDRESSES:** Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

### FOR FURTHER INFORMATION CONTACT:

Anthony Serafini, Office of Engineering and Technology, (202) 418-2456, [Anthony.Serafini@fcc.gov](mailto:Anthony.Serafini@fcc.gov) or Ira Keltz, Office of Engineering and Technology, at (202) 418-0616, or [Ira.Keltz@fcc.gov](mailto:Ira.Keltz@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's document, *Public Notice*, FCC 21-92, ET Docket No. 19-257, adopted on August 5, 2021 and released August 6, 2021. The full text of this document is available for public inspection and can be downloaded at: <https://www.fcc.gov/document/fcc-established-two-new-innovation-zones-boston-and-raleigh-0> or by using the search function for ET Docket No. 19-257 on the Commission's ECFS web page at [www.fcc.gov/ecfs](http://www.fcc.gov/ecfs).

### Synopsis

1. The two new zones the Commission establishes herein are based on detailed proposals from the PAWR program. This program for new technology experimentation is funded by the National Science Foundation along with a consortium consisting of over thirty technology and telecommunications companies. According to PAWR, this program ". . . will enable experimental exploration of robust new wireless devices, communication techniques, networks, systems, and services that will revolutionize the nation's wireless ecosystem, thereby enhancing broadband connectivity, leveraging the emerging Internet of Things (IoT), and sustaining US leadership and economic competitiveness for decades to come." The Commission anticipates that the experimentation done at these zones may also materially improve understanding of opportunities for, and capabilities of, open, standards-based wireless networks. PAWR program testbeds are equipped for Open radio access networks (Open RAN) research and testing, and PAWR teams are actively engaged with the Open RAN development community.

2. These Innovation Zones will provide new capabilities and complement the existing Innovation Zones in Salt Lake City and New York City. More specifically, in Raleigh, North Carolina, PAWR is initiating AERPAW—Aerial Experimentation and Research Platform for Advanced Wireless. This project will create a city-scale platform to focus on new use cases for advanced wireless technologies that are emerging for unmanned aerial systems. AERPAW will focus on how wireless technologies can enable beyond visual line-of-sight unmanned aerial



systems to accelerate development, verification, and testing of transformative advances and breakthroughs in telecommunications, transportation, infrastructure monitoring, agriculture, and public safety. Notably, the AERPAW testbed will be the first platform to allow testing at scale of open 5G-and-beyond solutions in unmanned aerial system verticals.

3. At Northeastern University in Boston, Massachusetts, PAWR will be supporting the transition of the Defense Advanced Research Projects Agency's (DARPA) Colosseum network emulator to a shared platform that is usable by the research community. Colosseum, the world's largest wireless network emulator, was originally designed to support DARPA's Spectrum Collaboration Challenge. With the conclusion of that challenge, the larger research community will now be able to take advantage of Colosseum's unique capabilities, including the ability to emulate full-stack communications, and to support artificial intelligence and machine learning algorithms and hardware in the loop. This project is expected to bring academia, government, and industry researchers together to accelerate advancements in wireless networked systems including Open RAN.

4. Under a Program License, qualified institutions may conduct testing for multiple non-related experiments under a single authorization within a defined geographic area under control of the licensee and where the licensee has institutional processes to manage and oversee experiments. The Innovation Zone takes this concept a step further by effectively providing an extension of a Program License's authorized area of operation. Such licensees are permitted to operate within an Innovation Zone, under the parameters set for that particular Zone, without having to modify their licenses to cover the new location.

5. The Commission is using the Office of Engineering and Technology's (OET) Experimental Licensing System web page to post the Innovation Zone designations and detail the guidelines the Commission has established for each particular zone—including the specific geographic area(s) the Commission has designated and applicable technical parameters, such as frequency bands and power limits. Those wishing to test in an Innovation Zone must meet the Program License eligibility requirements, hold an existing Program License and operate in accordance with the geographic areas and technical limits established for the Innovation

Zone. Prior to operating in an Innovation Zone, details for each Program Licensee experiment will be posted to the FCC web page as described below. This posting will implement the Program License rules procedures that require notification of intended operations so that all nearby licensees and federal users have full knowledge of operations in an area. Program licensees must still meet the timing requirements prescribed by the Commission's rules and agreements with other Federal agencies. Specifically, program licensees are required to wait 10-days prior to beginning tests on spectrum allocated exclusively for non-federal use and 15-days when using spectrum allocated for federal use including shared non-federal/federal use. Finally, as detailed below, the PAWR Project Office will serve as a frequency coordinator for these Innovation Zones; operation may not commence without prior coordinating through that office.

#### **Innovation Zone Term**

6. Both the NC State and Northeastern Innovation Zones are established for a period of five years from the release date of this public notice. The term may be renewed upon request at the end of this term.

#### **Program License Registration Within Innovation Zones**

7. A program licensee will be required to indicate its call sign and identify the Innovation Zone(s) in which it intends to operate. A program licensee must operate within the parameters established for the Innovation Zone within which it intends to operate. It will provide specific technical data, a description of the experiment, and a stop buzzer contact person for posting on the appropriate Innovation Zone web page(s). Parties will use OET's Experimental Licensing System web page to submit this information.

8. Program licensees must register on OET's Experimental Licensing System web page under the respective Innovation Zone web page at: <https://www.fcc.gov/els> prior to operation. The online registration process will provide a record of Program Licensees that indicate an intent to operate in each Innovation Zone. This registration process along with the required coordination process through the PAWR program office will provide an opportunity for incumbent licensees and federal spectrum users to be an integral part of any necessary compatibility evaluation. The website will further be useful to alert other program licensees and experimental licensees of nearby operations.

#### **Innovation Zone Frequency Coordination**

9. In addition to requesting to operate in an Innovation Zone, a Program Licensee must also coordinate its operations prior to commencing its tests. The PAWR Project Office will serve as the frequency/operations coordinator for the Innovation Zones established and/or modified herein (as well as the Salt Lake City Innovation Zone). In this role, the PAWR Project Office will offer non-discriminatory service to all interested Program Licensees to coordinate specific times and locations for each Program Licensee's operations to avoid interference to other spectrum users and between Program Licensees' tests. The frequency coordinator may act as a central clearinghouse to obtain consent from other potentially affected Commission licensees and/or federal spectrum users for Innovation Zone operations. Alternatively, Program Licensees may coordinate their own arrangements with these authorized spectrum users. In such cases, Program Licensees must still coordinate specific operations through the PAWR Project Office. Note that designating PAWR as the Innovation Zone frequency coordinator does not confer operating authority on PAWR nor does it confer sole authority for PAWR to permit operations as Program Licensees must also register on OET's Innovation Zone Registration web page. Additionally, current Commission rules do not allow airborne use in certain bands including active as well as passive receive-only bands (e.g., 2495–2690 MHz and 3450–4000 MHz); therefore, Program Licensees that plan to engage in experimental operations involving airborne transmissions in any Innovation Zone must take extra care to coordinate such operations (potentially over distances much greater than that necessary for terrestrial experimental operations) to ensure that authorized users will not experience harmful interference.

10. Interested Program Licensees may contact Mari Silbey, PAWR Program Director, at [mari.silbey@us-ignite.org](mailto:mari.silbey@us-ignite.org).

#### **North Carolina State University Innovation Zone**

##### **Location**

11. The NC State Innovation Zone will encompass two separate areas and program licensees will be permitted to use either or both areas.

12. The first area encompasses approximately 10.5 square miles for testing over the NC State University campus, a suburban residential area and

a rural research farm. This area is defined as the area roughly between the Western Boulevard at the northern boundary, south of the Lake Wheeler Agricultural Research Station at the southern boundary, Gorman Street on the western boundary and South Saunders Street on the eastern boundary. The boundary for this area is within the polygon defined by the following coordinates:

35°46'23.4" N, 78°39'12.7" W  
35°47'06.3" N, 78°41'13.0" W  
35°45'03.3" N, 78°42'42.2" W  
35°43'21.1" N, 78°42'11.9" W  
35°42'59.5" N, 78°41'16.8" W  
35°43'01.5" N, 78°40'08.1" W

13. To minimize the risk of harmful interference to incumbent operations and avoid areas where airborne operations may be restricted, PAWR states that their primary area for airborne transmissions within the larger Innovation Zone will be over approximately 3 square miles in the Lake Wheeler area in the southern portion of the Innovation Zone. This area is defined by the following coordinates:

35°44'29.9" N, 78°40'20.0" W  
35°44'38.7" N, 78°41'32.3" W  
35°43'58.3" N, 78°42'22.0" W  
35°43'23.5" N, 78°42'12.3" W  
35°42'59.5" N, 78°41'16.8" W

35°43'01.5" N, 78°40'08.1" W

14. The second area of NC State Innovation Zone will extend into the Town of Cary, North Carolina and cover approximately 3 square miles. This area is anticipated to support four fixed towers with permanent wireless transceivers. The tower locations are yet to be determined, but will be restricted to ensure all testing is confined within the Innovation Zone as defined by the following coordinates:

35°48'32.49" N, 78°47'39.64" W  
35°48'30.14" N, 78°45'53.70" W  
35°46'16.16" N, 78°45'51.17" W  
35°46'19.55" N, 78°47'47.80" W

#### TECHNICAL LIMITS AND BAND INFORMATION

Frequency band	Type of operation	Allocation	Fixed station maximum EIRP (dBm)	Mobile station maximum EIRP (dBm)
617–634.5 MHz (DL) .....	Fixed .....	Non-federal .....	65	.....
663–698 MHz (UL) .....	Mobile .....	Non-federal .....	.....	20
907.5–912.5 MHz .....	Fixed & Mobile .....	Shared .....	65	20
1755–1760 MHz (UL) .....	Mobile .....	Shared .....	.....	20
2155–2160 MHz (DL) .....	Fixed .....	Non-federal .....	65	.....
2390–2483.5 MHz .....	Fixed & Mobile .....	Shared .....	65	20
2500–2690 MHz <sup>1 2</sup> .....	Fixed & Mobile .....	Non-federal .....	65	20
3550–3700 MHz <sup>1 2 3</sup> .....	Fixed & Mobile .....	Shared .....	65	20
3700–3980 MHz <sup>1 2</sup> .....	Mobile .....	Non-federal .....	.....	20
5850–5925 MHz .....	Fixed & Mobile .....	Shared .....	65	20
5925–7125 MHz <sup>2</sup> .....	Fixed & Mobile .....	Non-Federal .....	65	20
27.5–28.35 GHz .....	Fixed & Mobile .....	Non-federal .....	65	20
38.6–40.0 GHz .....	Fixed & Mobile .....	Non-federal .....	65	20

<sup>1</sup> Commission rules do not permit airborne use on all or portions of these bands.

<sup>2</sup> Any experimental use must be coordinated with authorized users and registered receive-only fixed satellite earth stations.

<sup>3</sup> Operations must be coordinated with a spectrum access system administrator.

#### Northeastern University Innovation Zone

##### Location

15. The Northeastern University Innovation Zone will encompass two separate areas and program licensees will be permitted to use either or both areas.

16. The first area is on Northeastern University's main campus in Boston, MA and will cover a triangular tract of approximately 0.8 square miles. This area is defined as the area roughly between 361 Huntington Avenue as the

northern vertex, Carter Playground as the eastern vertex, and 860 Columbus avenue as the southern boundary. The coordinates for this area are:

Northwest: 42°20'24.00" N, 71°05'25.00" W  
Southwest: 42°20'12.12" N, 71°05'16.22" W  
Northeast: 42°20'20.33" N, 71°05'2.90" W

17. The second area of the Northeastern University Innovation Zone is on Northeastern University's satellite campus in Burlington, MA and will cover a polygon of approximately

0.9 square miles. This area is defined as the area west of Cambridge Street in Burlington MA and bordering Mary Cummings Park. The coordinates for this area are:

Northwest: 42°28'44.54" N, 71°11'37.43" W  
Northeast: 42°28'45.59" N, 71°11'20.62" W  
Northeast: 42°28'41.88" N, 71°11'22.2" W  
South: 42°28'37.67" N, 71°11'32.64" W  
Southwest: 42°28'38.89" N, 71°11'38.83" W

#### TECHNICAL LIMITS AND BAND INFORMATION

Frequency band	Type of operation	Allocation	Fixed station maximum EIRP (dBm)	Mobile station maximum EIRP (dBm)
746–787 MHz .....	Fixed and Mobile .....	Non-federal .....	10 W .....	100mW.
880–960 MHz <sup>1 2</sup> .....	Fixed and Mobile .....	Non-federal .....	10 W .....	100mW.
1920–2170 MHz .....	Fixed and Mobile .....	Non-federal .....	10 W .....	100mW.
2305–2360 MHz <sup>1 2 4</sup> .....	Mobile .....	Non-federal .....	.....	100mW.
2500–2690 MHz <sup>1 2</sup> .....	Fixed and Mobile .....	Non-federal .....	10 W .....	100mW.
3000–3100 MHz .....	Fixed and Mobile .....	Shared .....	10 W .....	100mW.
3300–3600 MHz <sup>1 2 3 4</sup> .....	Fixed and Mobile .....	Federal .....	10 W .....	100mW.
3700–3980 MHz <sup>1 2</sup> .....	Fixed and Mobile .....	Non-federal .....	1 W .....	100mW.

## TECHNICAL LIMITS AND BAND INFORMATION—Continued

Frequency band	Type of operation	Allocation	Fixed station maximum EIRP (dBm)	Mobile station maximum EIRP (dBm)
4620–4990 MHz <sup>1 2 4</sup>	Fixed and Mobile	Shared	1 W	100mW.
27–30 GHz	Fixed and Mobile	Non-federal	10 W	100mW.
37–40 GHz <sup>1 2 5</sup>	Fixed and Mobile	Shared	10 W	100mW.
71–86 GHz <sup>4 5</sup>	Fixed and Mobile	Shared	10 W	100mW.
122.5–140 GHz <sup>4</sup>	Fixed and Mobile	Shared	1 W	100mW.
209–225 GHz <sup>4</sup>	Fixed and Mobile	Shared	1 W	100mW.
232–235 GHz	Fixed and Mobile	Shared	1 W	100mW.
238–250 GHz <sup>4</sup>	Fixed and Mobile	Shared	1 W	100mW.
1–1.05 THz	Fixed	Shared	100 mW.	

<sup>1</sup> Commission rules do not permit airborne use on all or portions of these bands.

<sup>2</sup> Any experimental use must be coordinated with authorized users and registered receive-only fixed satellite earth stations.

<sup>3</sup> Operations in the 3550–3600 MHz band must be coordinated with a spectrum access system administrator.

<sup>4</sup> Note that this band includes frequency ranges covered by footnote US342; all practicable steps should be taken to protect radio astronomy operation, including sites near the Innovation Zone.

<sup>5</sup> Operations in the 37–40 GHz band and in the 80–86 GHz band must be coordinated with the Haystack Observatory in Westford, MA.

## New York City Innovation Zone

## Location

18. The New York City Innovation Zone is being modified to cover the three Columbia University and City College of New York campus areas and will be defined as the area contained within:

- W 116 St from the Hudson River to Morningside Avenue (Through Riverside and Morningside Parks and The Columbia University Campus).
- Morningside Ave from W 116 St to W 124 St.
- W 124 from Morningside Ave to St Nicholas Ave.
- St Nicholas Ave from W 124 St to W 138 St.

- W 138 from St. Nicholas Ave to Broadway (through St. Nicholas park and the CCNY campus).
- Broadway from W 138 St to W 133 St.
- W 133 St from Broadway to the Hudson River (through the park).
- Hudson River from W 133 to W 116.

## TECHNICAL LIMITS AND BAND INFORMATION

Frequency band	Type of operation	Allocation	Maximum EIRP (dBm)
2500–2690 MHz	Fixed	Non-federal	20
3700–4200 MHz <sup>1</sup>	Mobile	Non-federal	20
5850–5925 MHz	Mobile	Shared	20
5925–7125 MHz	Fixed & Mobile	Non-federal	20
27.5–28.35 GHz	Fixed	Non-federal	<sup>2</sup> 40
38.6–40.0 GHz	Fixed	Non-federal	<sup>2</sup> 40

<sup>1</sup> Commission rules do not permit airborne use in this band. Any experimental use must be coordinated with authorized users and registered receive-only fixed satellite earth stations.

<sup>2</sup> These power limits are an increase from the previously permitted 20 dBm limit.

(Authority: 47 U.S.C. 301–303; 47 CFR 5.1.)

Federal Communications Commission.

**Marlene Dortch,**

Secretary.

[FR Doc. 2021–20138 Filed 9–21–21; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1217; FR ID 48905]

## Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the

information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

**DATES:** Written PRA comments should be submitted on or before November 22, 2021. If you anticipate that you will be

submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Nicole Ongele, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [nicole.ongele@fcc.gov](mailto:nicole.ongele@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

**SUPPLEMENTARY INFORMATION:** *OMB Control No.:* 3060–1217.

*Title:* Ensuring Continuity of 911 Communications Report and Order, PS Docket No. 14–174, FCC 15–98.

*Form No.:* N/A (Disclosure required to be made to subscribers).

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or for-profit.

*Number of Respondents and*

*Responses:* 570 respondents; 570 responses.

*Estimated Time per Response:* 12 hours (on average) per initial notification, varies by respondent.

*Frequency of Response:* Annual reporting requirement and Third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in sections 1, 4(i), and 251(e)(3) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 251(e)(3); section 101 of the NET 911 Improvement Act of 2008, Public Law 110–283, 47 U.S.C. 615a–1; and section 106 of the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 47 U.S.C. 615c.

*Total Annual Burden:* 12 hours.

*Total Annual Cost:* No Cost.

*Needs and Uses:* Section 9.20 of the Commission's rules places limited backup power obligations on providers of facilities-based fixed, residential voice services that are not line-powered to ensure that such service providers meet their obligation to provide access to 911 service during a power outage, and to provide clarity for the role of consumers and their communities should they elect not to purchase backup power.

Specifically, we require providers to disclose to subscribers the following information: (1) Availability of backup power sources; (2) service limitations with and without backup power during a power outage; (3) purchase and replacement options; (4) expected backup power duration; (5) proper usage and storage conditions for the backup power source; (6) subscriber backup

power self-testing and monitoring instructions; and (7) backup power warranty details, if any. Each element of this information must be given to subscribers both at the point of sale and annually thereafter, as described in the rule.

The disclosure requirements are intended to equip subscribers with necessary information to purchase and maintain a source of backup power to enhance their ability to maintain access to reliable 911 service from their homes.

We permit providers to convey both the initial and annual disclosures and information described above by any means reasonably calculated to reach the individual subscriber. For example, a provider may meet this obligation through a combination of disclosures via email, an online billing statement, or other digital or electronic means for subscribers that communicate with the provider through these means. For a subscriber that does not communicate with the provider through email and/or online billing statements—such as someone who ordered service on the phone or in a physical store and receives a paper bill by regular mail—email would not be a means reasonably calculated to reach that subscriber.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2021–20471 Filed 9–21–21; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–0212]

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice and request for comment.

**SUMMARY:** The FDIC seeks to continue its engagement and collaboration with innovators in the financial, non-financial, and technology sectors to, among other things, identify, develop and promote technology-driven innovations among community and other banks in a manner that ensures the safety and soundness of FDIC-supervised and -insured institutions. An innovation pilot program framework can provide a regulatory environment in which the FDIC, in conjunction with individual proposals collected from innovators, including banks, will provide tailored regulatory and supervisory assistance, when

appropriate, to facilitate the testing of innovative and advanced technologies, products, services, systems, or activities. As part of an innovation pilot program, innovators may request information from banks and other members of the public outside of their normal course of business. Any information provided by banks and other members of the public will be provided on a voluntary basis. FDIC staff may similarly request information on a voluntary basis from banks or other members of the public to evaluate the products or services developed in the pilot programs. The FDIC invites the general public, including persons who may have an interest in participating in innovation pilot programs, and other Federal agencies to comment on the agency's collection of information that may result from innovators obtaining information from banks and other members of the public in connection with innovation pilot programs, as required by the Paperwork Reduction Act of 1995. At the end of the comment period, any comments and recommendations received will be reviewed to determine the extent to which the collection of proposals should be modified prior to the submission to the Office of Management and Budget (OMB) for review and approval.

**DATES:** Comments must be submitted on or before November 22, 2021.

**ADDRESSES:** Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency Website:* <https://www.fdic.gov/resources/regulations/federal-register-publications/>.
- *Email:* [comments@fdic.gov](mailto:comments@fdic.gov). Include the name of the collection in the subject line of the message.
- *Mail:* Jennifer Jones (202–898–6768), Counsel, MB–3078, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

• *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street NW building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should reference “Information Collection for Innovation Pilot Programs.” A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Jones, Counsel, 202–898–6768, [jennjones@fdic.gov](mailto:jennjones@fdic.gov), MB–3078, Federal

Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

**SUPPLEMENTARY INFORMATION:**

*Proposal to amend the following currently approved collection of information:*

1. *Title:* Information Collection for Innovation Pilot Programs.  
*OMB Number:* 3064–0212.  
*Form Number:* None.  
*Affected Public:* FDIC-supervised and -insured institutions and other members

of the public that provide information to innovators in connection with innovation pilot programs.

*Burden Estimate:*

**SUMMARY OF ANNUAL BURDEN**

Information collection description	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response	Estimated annual burden (hours)
Innovation Pilot Programs—Burden on Banks and Other Members of the Public.	Reporting .....	Voluntary .....	400	On Occasion	100	40,000
Total Estimated Annual Burden .....	.....	.....	.....	.....	.....	40,000

*General Description of Collection:* The FDIC seeks to engage and collaborate with innovators in the financial, non-financial, and technology sectors to, among other things, identify, develop and promote technology-driven innovations among community and other banks in a manner that ensures the safety and soundness of FDIC-supervised and -insured institutions. An innovation pilot program framework will provide a regulatory environment in which the FDIC, in conjunction with individual proposals collected from innovators will provide tailored regulatory and supervisory assistance, when appropriate, to facilitate the testing of innovative and advanced technologies, products, services, systems, or activities.

The FDIC anticipates that products developed as part of innovation pilot programs will improve the efficiency and effectiveness of bank operations, and eventually, examinations, while increasing transparency and ultimately reducing the cost of regulatory compliance for participating institutions. In addition, the FDIC anticipates that proposals provided in connection with the innovation pilot programs will involve cutting-edge innovations and novel approaches or applications involving a banking product, service, system, or activity that benefits and can lead to better outcomes for consumers.

As part of an innovation pilot program, innovators may request information from banks and other members of the public outside of their normal course of business. Any information provided by banks and other members of the public will be provided on a voluntary basis. FDIC staff may similarly request information on a voluntary basis from banks or other members of the public to evaluate the products or services developed in the

pilot programs. This information is intended to allow banks and the FDIC to analyze the health of the overall banking system, critical financial sectors, or national, regional or local economic conditions (*i.e.*, horizontal analysis). Additionally, bank specific information may be collected in order to allow for better insights into current and escalating risks across all aspects of banking. In particular, innovators may request from banks and other members of the public general ledger information about all products and services, or a subset of products and services, systems or activities, and will not contain any personally identifiable information (PII) as defined in OMB Circular A–130 and includes the disclosure of any financial records or information which is identified with or identifiable as being derived from the financial records of a particular customer.

The annual burden for this information collection is estimated to be 4,000 hours. This represents an increase of hours from the current burden estimate and also a change in focus. In particular, when this information collection was first obtained, it included the burden imposed on the innovators and partner banks. In review of this information collection, the FDIC has decided to transfer the burden imposed on innovators to existing information collection 3064–0072 entitled, “Acquisition Services Information Requirements,” which is related to the FDIC’s procurement process. The remaining hours in this information collection, which have been updated and increased, reflect the burden imposed on banks and other members of the public in connection with innovation pilot programs.

**Request for Comment**

Comments are invited on: (a) Whether the collection of information is

necessary for the proper performance of the FDIC’s functions, including whether the information has practical utility; (b) the accuracy of the estimate of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on September 17, 2021.

**James Sheesley,**

*Assistant Executive Secretary.*

[FR Doc. 2021–20501 Filed 9–21–21; 8:45 am]

**BILLING CODE P**

**FEDERAL DEPOSIT INSURANCE CORPORATION**

[OMB No. 3064–0025; –0134]

**Agency Information Collection Activities: Proposed Collection Renewal; Comment Request**

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice and request for comment.

**SUMMARY:** The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collections described below (OMB Control No. 3064–0025 and –0134).

**DATES:** Comments must be submitted on or before November 22, 2021.

**ADDRESSES:** Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- <https://www.FDIC.gov/regulations/laws/federal>.
- *Email:* [comments@fdic.gov](mailto:comments@fdic.gov). Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767), Regulatory Counsel, MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at

the rear of the 17th Street building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Manny Cabeza, Regulatory Counsel, 202–898–3767, [mcabeza@fdic.gov](mailto:mcabeza@fdic.gov), MB–3128, Federal Deposit Insurance

Corporation, 550 17th Street NW, Washington, DC 20429.

**SUPPLEMENTARY INFORMATION:**

*Proposal to renew the following currently approved collections of information:*

1. *Title:* Application for Consent to Exercise Trust Powers.

*OMB Number:* 3064–0025.

*Form Number:* 6200–09.

*Affected Public:* Insured state nonmember banks wishing to exercise trust powers.

*Burden Estimate:*

TABLE 1—SUMMARY OF ESTIMATED ANNUAL BURDENS (OMB NO. 3064–0025)

IC description	Type of burden (obligation to respond)	Frequency of response	Number of respondents	Number of responses per respondent	Hours per response	Annual burden (hours)
Eligible depository institutions .....	Reporting (Required to obtain or retain a benefit).	On occasion .....	6	1	8	48
Not-eligible depository institutions ....	Reporting (Required to obtain or retain a benefit).	On occasion .....	1	1	24	24
Total Annual Burden Hours .....						72

Source: FDIC.

*General Description of Collection:* FDIC regulations (12 CFR 333.2) prohibit any insured State nonmember bank from changing the general character of its business without the prior written consent of the FDIC. The exercise of trust powers by a bank is usually considered a change in the general character of a bank's business if the bank did not exercise those powers previously. Therefore, unless a bank is currently exercising trust powers, it

must file a formal application to obtain the FDIC's written consent to exercise trust powers. State banking authorities, not the FDIC, grant trust powers to their banks. The FDIC merely consents to the exercise of such powers. Applicants use form FDIC 6200/09 to obtain FDIC's consent. There is no change in the methodology or substance of this information collection. The decrease in total estimated annual burden from 168 hours in 2018 to 72 hours currently is

due to economic factors as reflected in the decrease in estimated number of respondents.

2. *Title:* Customer Assistance Forms.

*OMB Number:* 3064–0134.

*Form Numbers:* 6422–04; –6422/11; 6422/15.

*Affected Public:* Individuals, Households, Business or Financial Institutions.

*Burden Estimate:*

SUMMARY OF ANNUAL BURDEN

Information collection description	Type of burden	Obligation to respond	Estimated number of respondents	Estimated average frequency of response	Estimated time per response	Estimated annual burden
Customer Assistance Form (6422/04) .....	Reporting .....	Voluntary .....	4,737	1	0.25 hours .....	1,184 hours.
Business Assistance Form (6422/11) .....	Reporting .....	Voluntary .....	225	1	0.25 hours .....	56 hours.
FDIC Deposit Insurance Form (6422/15) .....	Reporting .....	Voluntary .....	911	1	0.25 hours .....	228 hours.

*Total Estimated Annual Burden:* 1,468 hours.

*General Description of Collection:* This collection facilitates the collection of information from customers of financial institutions that have inquiries or complaints about service. Customers or businesses may document their complaints or inquiries to the FDIC using a letter or optional forms (Form 6422/04; Form 6422/11; Form 6422/15). The Forms are used to facilitate online completion and submission of the complaints or inquiries and to shorten FDIC response times by making it easier to identify the nature of the complaint

and to route the customer or business inquiry to the appropriate FDIC contact. There is no change in the method or substance of the collection. The overall reduction in burden hours is the result of economic fluctuation.

**Request for Comment**

*Comments are invited on:* (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the

methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, on September 17, 2021.

Federal Deposit Insurance Corporation.  
**James Sheesley,**  
*Assistant Executive Secretary.*  
 [FR Doc. 2021–20505 Filed 9–21–21; 8:45 am]  
**BILLING CODE 6714–01–P**

## FEDERAL ELECTION COMMISSION

### Sunshine Act Meetings

**TIME AND DATE:** Tuesday, September 28, 2021, at 10:00 a.m. and its continuation at the conclusion of the open meeting on September 30, 2021.

**PLACE:** 1050 First Street NE, Washington, DC.

(This meeting will be a virtual meeting)

**STATUS:** This meeting will be closed to the public.

#### MATTERS TO BE CONSIDERED:

Compliance matters pursuant to 52 U.S.C. 30109.

Matters relating to internal personnel decisions, or internal rules and practices.

Investigatory records compiled for law enforcement purposes and production would disclose investigative techniques.

Matters concerning participation in civil actions or proceedings or arbitration.

\* \* \* \* \*

**CONTACT PERSON FOR MORE INFORMATION:**  
 Judith Ingram, Press Officer, Telephone: (202) 694–1220.

**Vicktorja J. Allen,**  
*Acting Deputy Secretary of the Commission.*  
 [FR Doc. 2021–20624 Filed 9–20–21; 4:15 pm]  
**BILLING CODE 6715–01–P**

## FEDERAL MARITIME COMMISSION

### Notice of Agreement Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreement to the Secretary by email at [Secretary@fmc.gov](mailto:Secretary@fmc.gov), or by mail, Federal Maritime Commission, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**. Copies of agreement are available through the Commission's website ([www.fmc.gov](http://www.fmc.gov)) or by contacting the Office of Agreements at (202)–523–5793 or [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov).

*Agreement No.:* 201373.

*Agreement Name:* CMA/HLAG Vessel Sharing Agreement.

*Parties:* CMA CGM S.A. and Hapag Lloyd AG.

*Filing Party:* Draughn Arbona; CMA CGM.

*Synopsis:* The agreement would authorize the parties to share vessels with one another and cooperate in liner service between the U.S. East Coast on the one hand, and Canada, India, Pakistan, the United Arab Emirates, Saudi Arabia, Egypt, Morocco, Spain and Malta on the other hand.

*Proposed Effective Date:* 10/25/21.

*Location:* <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/50509>.

*Agreement No.:* 201374.

*Agreement Name:* CMA CGM/ Network Shipping Ltd. Central America—U.S. West Coast Service Space Charter Agreement.

*Parties:* Network Shipping, Ltd. and CMA CGM S.A.

*Filing Party:* Draughn Arbona; CMA CGM.

*Synopsis:* This agreement authorizes Network Shipping Ltd. (“NWS”) to charter space to CMA CGM on vessels operated by NWS in the trade between Costa Rica, Guatemala, and the U.S. West Coast.

*Proposed Effective Date:* 9/16/2021.

*Location:* <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/50510>.

Dated: September 17, 2021.

**Rachel E. Dickon,**  
*Secretary.*

[FR Doc. 2021–20500 Filed 9–21–21; 8:45 am]  
**BILLING CODE 6730–02–P**

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors.

This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than October 22, 2021.

*A. Federal Reserve Bank of Chicago* (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *First Mid Bancshares Inc., Mattoon, Illinois;* to acquire Delta Bancshares Company through its wholly-owned subsidiary, Brock Sub, LLC, and thereby indirectly acquire Jefferson Bank and Trust Company, both of St. Louis, Missouri.

*In addition, Brock Sub, LLC, Mattoon, Illinois;* a wholly-owned subsidiary of First Mid Bancshares Inc., to merge with Delta Bancshares Company, with Brock Sub, LLC surviving and thereby indirectly acquire Jefferson Bank and Trust Company. Immediately following the merger, Brock Sub, LLC to merge with and into First Mid Bancshares Inc., with the latter being the surviving entity.

Board of Governors of the Federal Reserve System, September 17, 2021.

**Michele Taylor Fennell,**  
*Deputy Associate Secretary of the Board.*  
 [FR Doc. 2021–20525 Filed 9–21–21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Advisory Board on Radiation and Worker Health (ABRWH), Subcommittee on Procedures Reviews (SPR), National Institute for Occupational Safety and Health (NIOSH)

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting

for the Subcommittee on Procedures Reviews (SPR) of the Advisory Board on Radiation and Worker Health (ABRWH or the Advisory Board). This meeting is open to the public, but without a public comment period. The public is welcome to submit written comments in advance of the meeting, to the contact person below. Written comments received in advance of the meeting will be included in the official record of the meeting. The public is also welcomed to listen to the meeting by joining the audio conference (information below). The audio conference line has 150 ports for callers.

**DATES:** The meeting will be held on November 3, 2021, from 11:00 a.m. to 3:30 p.m., EDT. The public may submit written comments from September 22, 2021 through October 27, 2021.

**ADDRESSES:** You may submit comments by mail to: Sherri Diana, National Institute for Occupational Safety and Health, 1090 Tusculum Avenue, MS C-34, Cincinnati, Ohio 45226. Meeting Information: Audio Conference Call via FTS Conferencing. The USA toll-free dial-in number is 1-866-659-0537; the pass code is 9933701.

**FOR FURTHER INFORMATION CONTACT:** Rashaun Roberts, Ph.D., Designated Federal Officer, NIOSH, CDC, 1090 Tusculum Avenue, Mailstop C-24, Cincinnati, Ohio 45226, Telephone: (513) 533-6800, Toll Free 1(800)CDC-INFO, Email: [ocas@cdc.gov](mailto:ocas@cdc.gov).

**SUPPLEMENTARY INFORMATION:**

*Background:* The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines that have been promulgated by the Department of Health and Human Services (HHS) as a final rule; advice on methods of dose reconstruction, which have also been promulgated by HHS as a final rule; advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program; and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC).

In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to CDC. NIOSH implements this responsibility for CDC.

The Advisory Board's charter was issued on August 3, 2001, renewed at

appropriate intervals, and rechartered under Executive Order 13889 on March 22, 2020, and will terminate on March 22, 2022.

*Purpose:* The Advisory Board is charged with (a) providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advise the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class. SPR is responsible for overseeing, tracking, and participating in the reviews of all procedures used in the dose reconstruction process by the NIOSH Division of Compensation Analysis and Support (DCAS) and its dose reconstruction contractor (Oak Ridge Associated Universities—ORAU).

*Matters To Be Considered:* The agenda will include discussions on the following dose reconstruction procedures: (a) Procedures associated specifically with the following sites: Grand Junction Facilities, Aluminum Company of America, General Steel Industries; Clarksville and Medina Modification Centers, (b) procedures associated with Atomic Weapons Employers generally; and (c) general procedures for dose reconstructions. Agenda items are subject to change as priorities dictate.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Kalwant Smagh,**

*Director, Strategic Business Initiatives Unit,  
Office of the Chief Operating Officer, Centers  
for Disease Control and Prevention.*

[FR Doc. 2021-20477 Filed 9-21-21; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[Docket No. CDC-2021-0098]

### Advisory Committee on Immunization Practices (ACIP)

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of meeting and request for comment.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC) announces the following meeting of the Advisory Committee on Immunization Practices (ACIP). This meeting is open to the public. Time will be available for public comment. The meeting will be webcast live via the World Wide Web; for more information on ACIP please visit the ACIP website: <http://www.cdc.gov/vaccines/acip/index.html>.

**DATES:** The meeting will be held on October 20-21, 2021, from 10:00 a.m. to 5:00 p.m., EDT (times subject to change). The public may submit written comments from September 22, 2021 through October 21, 2021.

**ADDRESSES:** You may submit comments identified by Docket No. CDC-2021-0098 by any of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments.

- **Mail:** Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H24-8, Atlanta, Georgia 30329-4027, Attn: ACIP Meeting.

*Instructions:* All submissions received must include the Agency name and Docket Number. All relevant comments received in conformance with the <https://www.regulations.gov> suitability policy will be posted without change to <https://www.regulations.gov>, including any personal information provided. For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>.

Written public comments submitted up to 72 hours prior to the ACIP meeting will be provided to ACIP members before the meeting.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Thomas, ACIP Committee Management Specialist, Centers for Disease Control and Prevention, National Center for Immunization and Respiratory Diseases, 1600 Clifton Road NE, MS-H24-8, Atlanta, Georgia 30329-4027; Telephone: (404) 639-8367; Email: [ACIP@cdc.gov](mailto:ACIP@cdc.gov).



**SUPPLEMENTARY INFORMATION:**

*Purpose:* The committee is charged with advising the Director, CDC, on the use of immunizing agents. In addition, under 42 U.S.C. 1396s, the committee is mandated to establish and periodically review and, as appropriate, revise the list of vaccines for administration to vaccine-eligible children through the Vaccines for Children program, along with schedules regarding dosing interval, dosage, and contraindications to administration of vaccines. Further, under provisions of the Affordable Care Act, section 2713 of the Public Health Service Act, immunization recommendations of the ACIP that have been approved by the CDC Director and appear on CDC immunization schedules must be covered by applicable health plans.

*Matters To Be Considered:* The agenda will include discussions on adult immunization schedule, child/adolescent immunization schedule, Ebola vaccine, hepatitis vaccines, herpes zoster vaccines, Orthopoxviruses vaccine, influenza vaccines, pneumococcal vaccine, cholera vaccine and tickborne encephalitis vaccine. Recommendation votes on adult immunization schedule, child/adolescent immunization schedule, hepatitis vaccine, herpes zoster vaccine, Orthopoxviruses vaccine, pneumococcal vaccine and Ebola vaccine are scheduled. No Vaccines for Children votes are scheduled. Agenda items are subject to change as priorities dictate. For more information on the meeting agenda visit <https://www.cdc.gov/vaccines/acip/meetings/meetings-info.html>.

*Meeting Information:* The meeting will be webcast live via the World Wide Web; for more information on ACIP please visit the ACIP website: <http://www.cdc.gov/vaccines/acip/index.html>.

**Public Participation**

Interested persons or organizations are invited to participate by submitting written views, recommendations, and data. Please note that comments received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. Comments will be posted on <https://www.regulations.gov>. Therefore, do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. CDC will review all submissions and

may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. CDC will carefully consider all comments submitted into the docket.

*Written Public Comment:* The docket will be opened to receive written comments on October 1, 2021. Written comments must be received on or before October 21, 2021.

*Oral Public Comment:* This meeting will include time for members of the public to make an oral comment. Oral public comment will occur before any scheduled votes including all votes relevant to the ACIP's Affordable Care Act and Vaccines for Children Program roles. Priority will be given to individuals who submit a request to make an oral public comment before the meeting according to the procedures below.

*Procedure for Oral Public Comment:* All persons interested in making an oral public comment at the October 20–21, 2021 ACIP meeting must submit a request at <http://www.cdc.gov/vaccines/acip/meetings/> no later than 11:59 p.m., EDT, October 18, 2021, according to the instructions provided.

If the number of persons requesting to speak is greater than can be reasonably accommodated during the scheduled time, CDC will conduct a lottery to determine the speakers for the scheduled public comment session. CDC staff will notify individuals regarding their request to speak by email by October 19, 2021. To accommodate the significant interest in participation in the oral public comment session of ACIP meetings, each speaker will be limited to 3 minutes, and each speaker may only speak once per meeting.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Kalwant Smagh,**

*Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2021–20476 Filed 9–21–21; 8:45 am]

**BILLING CODE 4163–18–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Disease Control and Prevention**

[Docket No. CDC–2021–0089]

**Advisory Committee on Immunization Practices (ACIP); Correction Notice of Meeting**

**AGENCY:** Centers for Disease Control and Prevention, Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC), announces the following meeting of the Advisory Committee on Immunization Practices (ACIP). This meeting is open to the public. Time will be available for public comment. The meeting will be webcast live via the World Wide Web; for more information on ACIP please visit the ACIP website: <http://www.cdc.gov/vaccines/acip/index.html>.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given of a change in the meeting of the Advisory Committee on Immunization Practices (ACIP); August 30, 2021, 10:00 a.m. to 4:00 p.m., and August 31, 2021, 10:00 a.m. to 4:00 p.m., EDT (times subject to change), in the amended FRN.

The virtual meeting was published in the **Federal Register** on Thursday, August 26, 2021, Volume 86, Number 163, pages 47644–47645.

The virtual meeting is being corrected to change the dates and times, addresses and written public comment and should read as follows:

**DATES:** The meeting will be held on August 30, 2021, from 10:00 a.m. to 4:00 p.m., EDT (times subject to change). The docket will close on August 30, 2021. Written comments must be received on or before August 30, 2021.

A notice of this ACIP meeting has also been posted on CDC's ACIP website at: <http://www.cdc.gov/vaccines/acip/index.html>. In addition, CDC has sent notice of this ACIP meeting by email to those who subscribe to receive email updates about ACIP. The meeting is open to the public.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC–2021–0089 by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H24–8, Atlanta, Georgia 30329–

4027, Attn: August 30, 2021 ACIP Meeting.

**Instructions:** All submissions received must include the Agency name and Docket Number. All relevant comments received in conformance with the <https://www.regulations.gov> suitability policy will be posted without change to <https://www.regulations.gov>, including any personal information provided. For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>.

In accordance with 41 CFR 102–3.150(b), less than 15 calendar days' notice is being given for this meeting due to the exceptional circumstances of the COVID–19 pandemic and rapidly evolving COVID–19 vaccine development and regulatory processes. The Secretary of Health and Human Services has determined that COVID–19 is a Public Health Emergency.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Thomas, ACIP Committee Management Specialist, Centers for Disease Control and Prevention, National Center for Immunization and Respiratory Diseases, 1600 Clifton Road NE, MS–H24–8, Atlanta, GA 30329–4027; Telephone: 404–639–8367; Email: [ACIP@cdc.gov](mailto:ACIP@cdc.gov).

#### Public Participation

**Written Public Comment:** The docket will close on August 30, 2021. Written

comments must be received on or before August 30, 2021.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Kalwant Smagh,**

*Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2021–20478 Filed 9–21–21; 8:45 am]

**BILLING CODE 4163–18–P**

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Food and Drug Administration

[Docket No. FDA–2021–N–0921]

##### **B. Braun Medical, Inc.; Withdrawal of Approval of Abbreviated New Drug Application of Hydroxyethyl Starch**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is

withdrawing approval of abbreviated new drug application (ANDA) BA110013/0032 for 6 Percent Hydroxyethyl Starch 130/0.4 in 0.9 Percent Sodium Chloride Injection in EXCEL® Plastic Container, held by B. Braun Medical, Inc. B. Braun Medical, Inc., requested in writing that the Agency's approval of the application be withdrawn because the drug is no longer being marketed and has waived its opportunity for a hearing.

**DATES:** Approval is withdrawn as of October 22, 2021.

#### **FOR FURTHER INFORMATION CONTACT:**

Myrna Hanna, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240 402–7911.

**SUPPLEMENTARY INFORMATION:** B. Braun Medical Inc., 901 Marcon Blvd., Allentown, PA 18109, has requested that FDA withdraw approval of ANDA BA110013/0032, pursuant to § 314.150(c) (21 CFR 314.150(c)), because the drug is no longer being marketed. By its request, B. Braun Medical Inc. has also waived its opportunity for a hearing. Withdrawal of approval of an application under § 314.150(c) is without prejudice to refiling.

Application No.	Proprietary name
ANDA BA 110013/0032 .....	6% Hydroxyethyl Starch 130/0.4 in 0.9% Sodium Chloride Injection in EXCEL® Plastic Container.

Therefore, approval of the application listed in the table, and all amendments and supplements thereto, is hereby withdrawn as of October 22, 2021. Introduction or delivery for introduction into interstate commerce for products without an approved new drug application or ANDA violates section 301(a) and (d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(a) and (d)). The drug product that is listed in the table above that is in inventory on October 22, 2021 may continue to be dispensed until the inventory has been depleted or the drug product has reached its expiration date or otherwise becomes violative, whichever occurs first.

Dated: September 16, 2021.

**Lauren K. Roth,**

*Acting Principal Associate Commissioner for Policy.*

[FR Doc. 2021–20511 Filed 9–21–21; 8:45 am]

**BILLING CODE 4164–01–P**

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Food and Drug Administration

[Docket No. FDA–2015–N–3326]

##### **Reauthorization of the Biosimilar User Fee Act; Public Meeting; Request for Comments**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of public meeting; request for comments.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is hosting a virtual public meeting to discuss proposed recommendations for the reauthorization of the Biosimilar User Fee Act (BsUFA) for fiscal years (FYs) 2023 through 2027. The BsUFA authorizes FDA to collect user fees to support the process for the review of biosimilar biological product applications. The current legislative

authority for BsUFA expires in September 2022. At that time, new legislation will be required for FDA to continue collecting user fees in future fiscal years. Following discussions with the regulated industry and consultations with public stakeholders, the Federal Food, Drug, and Cosmetic Act (FD&C Act) directs FDA to publish the recommendations for the reauthorized program in the **Federal Register**, hold a meeting at which the public may present its views on such recommendations, and provide for a period of 30 days for the public to provide written comments on such recommendations. FDA will then consider such public views and comments and revise such recommendations, as necessary.

**DATES:** The public meeting will be held on November 2, 2021, from 9 a.m. to 12 p.m. Eastern Time, and will be held by webcast only. Submit either electronic or written comments on this public

meeting by December 2, 2021. See **SUPPLEMENTARY INFORMATION** for registration date and information.

**ADDRESSES:** Registration to attend the meeting and other information can be found at <https://bsufaiii-finalpublicmeeting.eventbrite.com>.

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before December 2, 2021. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of December 2, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

#### *Electronic Submissions*

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

#### *Written/Paper Submissions*

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked, and

identified, as confidential, if submitted as detailed in "Instructions."

**Instructions:** All submissions received must include the Docket No. FDA-2015-N-3326 for "Reauthorization of the Biosimilar User Fee Act; Public Meeting; Request for Comments." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

**Docket:** For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

#### **FOR FURTHER INFORMATION CONTACT:**

Emily Ewing, Center for Drug Evaluation and Research, Food and Drug Administration, 240-402-0196, [Emily.Ewing@fda.hhs.gov](mailto:Emily.Ewing@fda.hhs.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Introduction**

FDA is announcing a virtual public meeting to discuss proposed recommendations for the reauthorization of BsUFA, the legislation that authorizes FDA to collect user fees to support the process for the review of biosimilar biological product applications. The current authorization of the program (BsUFA II) expires in September 2022. Without new legislation, FDA will no longer be able to collect user fees for future FYs to fund the process for the review of biosimilar biological product applications. Section 744I(f)(2) of the FD&C Act (21 U.S.C. 379j-53(f)(2)) requires the Agency perform the following actions after holding negotiations with regulated industry members: (1) Present recommendations to the relevant Congressional committees; (2) publish recommendations in the **Federal Register**; (3) provide a period of 30 days for the public to provide written comments on the recommendations; (4) hold a meeting at which the public may present its views; and (5) after consideration of public views and comments, revise the recommendations as necessary.

This notice, the 30-day comment period, and the public meeting will satisfy some of these requirements. After the public meeting, we will revise the recommendations as necessary and present our proposed recommendations to the Congressional committees.

The purpose of the meeting is to hear the public's views on the proposed recommendations for the reauthorized program (BsUFA III). The following information is provided to help potential meeting participants better understand the history and evolution of the BsUFA program and the status of the proposed BsUFA III recommendations.

##### **II. What is BsUFA and what does it do?**

BsUFA is a law that authorizes FDA to assess and collect fees from drug companies that submit marketing applications for certain biosimilar biological products. BsUFA was originally enacted in 2012 as the Biosimilar User Fee Act under the Food and Drug Administration Safety and Innovation Act (FDASIA, Pub. L. 112-144) for a period of 5 years. In 2017, BsUFA was renewed for 5 more years under the FDA Reauthorization Act of 2017 (FDARA, Pub. L. 115-52).

BsUFA is intended to provide additional revenues so that FDA can hire staff, improve systems, and continue a well-managed biosimilar

biological product review process to make biosimilar biological product therapies available to patients sooner without compromising review quality or FDA's high standards for safety, efficacy, and quality. As part of FDA's agreements with industry during prior BsUFA authorizations, the Agency agreed to certain performance and procedural goals and other commitments. These goals apply to the process for the review of biosimilar biological product applications, including biosimilar biological product development meetings, review of applications and supplements, and other review activities. FDA's web page "Biosimilar User Fee Amendments" provides more information about BsUFA, including the statutory text of FDARA, the BsUFA commitment letter, "Biosimilar Authorization Performance Goals and Procedures Fiscal Years 2013 through 2017" (BsUFA Commitment Letter), key **Federal Register** documents, BsUFA-related guidances, BsUFA user fee rates, performance reports, and financial reports. The Agency's "Biosimilar User Fee Amendments" web page is available at <https://www.fda.gov/industry/fda-user-fee-programs/biosimilar-user-fee-amendments>.

With the current authorization of BsUFA II under FDARA, FDA implemented a review program ("the Program") to promote the efficiency and effectiveness of the first cycle review process. The Program allows for additional communication between the FDA review team and applicants of biosimilar biological products, including mid-cycle communications and late-cycle meetings, while adding 60 days to the review clock to provide for this increased interaction and to address review issues. BsUFA II also includes commitments to advance development of biosimilar biological products through further clarification of the regulatory pathway that permits a biosimilar biological product to be licensed under section 351(k) of the Public Health Service Act, and to enhance capacity for biosimilar guidance development, reviewer training, and timely communication. More information on these commitments can be found in the BsUFA II Commitment Letter at <https://www.fda.gov/media/100573/download>.

As part of the current authorization, FDA established an independent fee structure and fee amounts to improve program funding predictability, stability, and administrative efficiency. The new structure established a BsUFA target revenue based on BsUFA program costs and updated the overall fee

structure and related financial mechanisms. The agreement also included commitments to enhance management of user fee resources through the development of a resource capacity planning capability and third-party evaluation of program resource management, management of the carryover balance, along with the publication and annual update of a 5-year financial plan.

The current authorization also includes several commitments to improve the hiring and retention of critical review staff through modernization of FDA's hiring system, augmentation of hiring staff capacity and capabilities, creation of a dedicated function focused on staffing the program, reporting on hiring metrics, and a comprehensive and continuous assessment of hiring and retention. A list of the deliverables developed to meet BsUFA II commitments is available on the FDA web page <https://www.fda.gov/industry/biosimilar-user-fee-amendments/completed-bsufa-ii-deliverables>.

### III. Proposed BsUFA III Recommendations

In preparing the proposed recommendations to Congress for BsUFA reauthorization, FDA conducted discussions with regulated industry members, as required by the law. We began the BsUFA reauthorization process by publishing a notice in the **Federal Register** requesting public input on the reauthorization and announcing a public meeting that was held on November 19, 2020. The meeting included presentations by FDA and a series of panels with representatives of different stakeholder groups, including patient advocates, consumer groups, regulated industry members, health professionals, and academic researchers. The materials from the meeting, including a transcript and webcast recording, can be found at <https://www.fda.gov/industry/biosimilar-user-fee-amendments/public-meeting-reauthorization-biosimilar-user-fee-act-bsufa-11192020-11192020>.

Following the November 2020 public meeting, FDA conducted negotiations with regulated industry from March 2021 through June 2021. As directed by Congress, FDA posted minutes of these meetings on its web page at <https://www.fda.gov/industry/biosimilar-user-fee-amendments/bsufa-iii-fiscal-years-2023-2027>.

The proposed enhancements for BsUFA III address many of the top priorities identified by public stakeholders, regulated industry, and FDA. While some of the proposed

enhancements are new, many either build on successful enhancements or refine elements from the existing program. The enhancements are proposed in the following areas: Supplemental applications, meeting management, best practices in communication between FDA and sponsors, inspections and alternative tools, interchangeable biosimilar biological product development, regulatory science, finance, hiring and retention, and information technology. The full text of the proposed BsUFA III Commitment Letter can be found on the Agency's web page "BsUFA III: Fiscal Years 2023–2027," available at <https://www.fda.gov/industry/biosimilar-user-fee-amendments/bsufa-iii-fiscal-years-2023-2027>. Each significant new or modified enhancement is described briefly below:

#### A. Original and Resubmitted Supplemental Biosimilar Biological Product Applications

To expedite the review of supplemental biosimilar biological product applications, FDA proposes to establish new supplement categories, timelines, and performance goals. New review timelines range from 3 to 10 months, depending on the content and category of the supplement submission. Certain supplements for safety labeling updates and labeling updates to add or remove an indication that do not contain efficacy data sets would have shorter review timelines than supplements in other categories. These enhancements are described in section I.A.2 of the proposed BsUFA III Commitment Letter.

#### B. Meeting Management Goals

To improve overall meeting management, FDA proposes to modify the Biosimilar Initial Advisory (BIA) meeting, create a new Type 2a meeting, and modify the timing of Type 4 meeting background packages. FDA would not require the submission of preliminary comparative analytical data for a BIA meeting. The new Type 2a meeting would allow for quicker discussion on a narrow set of issues (e.g., often one but no more than two issues) involving no more than three review disciplines or divisions. Traditional Type 2 meetings under BsUFA II would be renamed to Type 2b meetings in BsUFA III. Under this proposal, the Type 4 meeting background package may be submitted up to 14 calendar days after FDA receives the meeting request. There would also be a new followup opportunity to pose clarifying questions after meetings or a written-response-

only communication. These enhancements are described in section I.H of the proposed BsUFA III Commitment Letter.

#### *C. Promoting Best Practices in Communication Between FDA and Sponsors During Application Review*

To enhance communication with sponsors during biosimilar biologic product application review, FDA proposes to update relevant guidances, our Manual of Policies and Procedures, and our Standard Operating Procedures and Policies regarding best practices in communication. FDA would utilize lessons learned from BsUFA II to update the relevant documents, as appropriate. The details of this enhancement are found in section II.A of the proposed BsUFA III Commitment Letter.

#### *D. Enhancing Inspection Communication and Alternative Tools*

To facilitate the timely development of biosimilar biological products and their availability to patients, FDA proposes to notify sponsors of certain pre-license inspections and to issue guidance on FDA's thinking on the use of alternative tools to assess manufacturing facilities beyond the COVID-19 pandemic. These enhancements are described in section II.B of the proposed BsUFA III Commitment Letter.

#### *E. Advancing Development of Biosimilar Biological-Device Combination Products Regulated by CDER and CBER*

Sponsors employ Use-Related Risk Analyses (URRA) studies to identify the need for risk mitigation strategies and to design a human factors (HF) validation study. Based on a URRA, a sponsor may propose that a HF validation study is not needed to support the safe and effective use of a biosimilar biologic-device combination product. FDA proposes establishing new procedures for the review of URRAs along with performance goals. Human factors studies are conducted to evaluate the user interface of a biosimilar biologic-device combination product to eliminate or mitigate use-related hazards that may affect the safe and effective use of the combination product. Over the past decade, more combination products have been developed to deliver therapeutics via different routes of administration (e.g., parenteral, inhalation) with complex engineering designs. HF validation protocols are reviewed during the investigational new drug application stage with the goal towards developing a final finished combination product that supports the marketing application.

To achieve this objective, FDA proposes updating the procedures for HF validation study protocols, along with a new performance goal. These enhancements are described in section II.C of the proposed BsUFA III Commitment Letter.

#### *F. Advancing Development of Interchangeable Biosimilar Biological Products*

FDA proposes a focused effort in BsUFA III to further advance the development of safe and effective interchangeable biosimilar biological products. This effort would address current needs, prospectively identify future needs, and incorporate the following components: (1) Research leveraging the BsUFA III Regulatory Science Pilot Program; (2) foundational guidance development; and (3) stakeholder engagement involving a scientific workshop on the development of interchangeable biosimilar biological products to help identify future needs. Associated with this workshop, FDA would issue draft and final strategy documents outlining FDA's actions to facilitate the development of interchangeable biosimilar biological products. The details of this enhancement are described in section II.D of the proposed BsUFA III Commitment Letter.

#### *G. Regulatory Science*

To enhance regulatory decision-making and facilitate science-based recommendations in areas foundational to biosimilar biological product development, FDA proposes to pilot a regulatory science program broadly applicable to biosimilar and interchangeable biological product development, with project goals not specific to a product or product class. The pilot program would focus on two demonstration projects: (1) Advancing the development of interchangeable biosimilar biological products and (2) improving the efficiency of biosimilar biological product development. As part of these demonstration projects, FDA proposes to engage stakeholders in a public meeting to review the progress of the demonstration projects and to solicit input of future priorities. An interim report would be issued prior to the public meeting, and a final summary report of outcomes from the pilot program would be posted on FDA's website. Within 12 months of completing the demonstration projects, FDA would publish a comprehensive strategy document outlining actions FDA will take to facilitate the development of biosimilar and interchangeable biological products.

These enhancements are described in section II.E of the proposed BsUFA III Commitment Letter.

#### *H. Continued Enhancement of User Fee Resource Management*

FDA is committed to ensuring the sustainability of BsUFA program resources and to enhancing the operational agility of the BsUFA program. FDA proposes to build on the financial enhancements included in BsUFA II and continue activities in BsUFA III to ensure optimal use of user fee resources and the alignment of staff to workload through the continued maturation and assessment of the Agency's resource capacity planning capability. This proposal would also include an independent assessment of the resource capacity planning capability. FDA proposes to continue activities to promote transparency of the use of financial resources in support of the BsUFA program through annual public meetings, publishing a 5-year financial plan along with annual updates, and additional reporting in the annual BsUFA Financial Report. These enhancements are described in section III of the proposed BsUFA III Commitment Letter.

#### *I. Information Technology*

FDA proposes to establish and progress a data and technology modernization strategy that provides FDA's strategic direction for current and future state data-driven regulatory initiatives. Additionally, FDA would advance the use of cloud-based technology to modernize the Electronic Submission Gateway to support greater data submission bandwidth and storage in the BsUFA program. These enhancements are described in section V of the proposed BsUFA III Commitment Letter.

#### *J. Enhancements to Fee Mechanisms for Increased Predictability, Stability, and Efficiency*

The proposed BsUFA III agreement continues to build on the resource capacity planning capability established in BsUFA II and continues financial transparency initiatives. In addition, to manage financial risks in the program, BsUFA III proposes to enhance the operating reserve adjustment mechanism to provide for a defined minimum and maximum required amount of operating reserves. The proposed minimum amount is equivalent to 10 weeks of operating reserves and the maximum amount is equivalent to 21 weeks of available operating reserves to be maintained each year. The annual maximum

amount of available operating reserves would be phased in over the first 3 years of BsUFA III (33 weeks in fiscal year 2023, 27 weeks in fiscal year 2024, and 21 weeks in fiscal year 2025). BsUFA III also proposes to add a strategic hiring and retention adjustment to ensure FDA has the funding necessary to provide for the costs of retaining and hiring highly qualified scientific and technical staff for the process for the review of biosimilar biological product applications under BsUFA. This strategic hiring and retention adjustment would add \$150,000 to the base revenue amount each fiscal year during BsUFA III.

#### *K. Impact of BsUFA III Enhancements on User Fee Revenue*

To implement the proposed enhancements for BsUFA III, funding for a cumulative total of 15 FTE staff is proposed to be phased in over the course of BsUFA III. The new funding would be phased in as follows:

- \$4,428,886 for fiscal year 2023
- \$320,569 for fiscal year 2024

#### **IV. Public Meeting Information**

##### *A. Purpose and Scope of the Meeting*

The virtual public meeting will include a presentation by FDA and an industry panel. For members of the public who would like to make verbal comments on the proposed enhancements, there will be a public comment period at the end of the meeting (see instructions below). We will also provide an opportunity for individuals to submit written comments to the docket before and after the meeting.

##### *B. Participating in the Public Meeting*

**Registration:** Registration is optional and not required to attend this virtual public meeting. However, registering will allow FDA to provide you with email updates if any meeting details change. If you wish to register, you can do so at <https://bsufaiii-finalpublicmeeting.eventbrite.com>.

**Opportunity for Verbal Public Comment:** Those who register online will receive a confirmation email that includes a link to a request form to make a verbal public comment at the meeting. If you wish to speak during the public comment session, follow the instructions in the notification and identify which topic(s) you wish to address. We will do our best to accommodate requests to make public comments. Individuals and organizations with common interests are urged to consolidate or coordinate their comments and request time jointly. All

requests to make a public comment during the meeting must be received by October 19, 2021, 11:59 p.m. Eastern Time. Depending on the number of requests, we will determine the amount of time allotted to each commenter, the approximate time each comment is to begin, and will select and notify participants by October 26, 2021. No commercial or promotional material will be permitted to be presented at the public meeting.

**Streaming Webcast of the Public Meeting:** The Zoom Webinar ID for this public meeting is 161 047 8285. The webcast link for this public meeting can be found here: <https://fda.zoomgov.com/j/1610478285?pwd=MG1lN2hrYzBVTGhsd1F2eVhwZG1DQT09>. The link above should allow you to enter the webinar directly. If Zoom asks for a passcode, please use the case-sensitive passcode below.

Case-Sensitive Passcode for Zoom Webinar: S9d&fx

**Transcripts:** Please be advised that as soon as a transcript of the public meeting is available, it will be accessible at <https://www.regulations.gov>. It may be viewed at the Dockets Management Staff (see **ADDRESSES**). Transcripts of the meeting will be available on the FDA web page <https://www.fda.gov/industry/biosimilar-user-fee-amendments/bsufaiii-fiscal-years-2023-2027> approximately 30 days after the meeting.

Dated: September 16, 2021.

**Lauren K. Roth,**

*Acting Principal Associate Commissioner for Policy.*

[FR Doc. 2021–20432 Filed 9–21–21; 8:45 am]

**BILLING CODE 4164–01–P**

#### **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

##### **Health Resources and Services Administration**

**Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Information Collection Request Title: Bureau of Primary Health Care—Program Management Resource Compendium, 0906–XXXX, New**

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of

Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30-day comment period for this notice has closed.

**DATES:** Comments on this ICR should be received no later than October 22, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** To request a copy of the clearance requests submitted to OMB for review, email Samantha Miller, the HRSA Information Collection Clearance Officer, at [paperwork@hrsa.gov](mailto:paperwork@hrsa.gov) or call (301) 443–9094.

##### **SUPPLEMENTARY INFORMATION:**

**Information Collection Request Title:** Bureau of Primary Health Care—Program Management Resource Compendium, OMB No. 0906–XXXX, New.

**Abstract:** The Program Management Resource Compendium project will encompass an historical analysis of HRSA's Bureau of Primary Health Care (BPHC), as well as a historical analysis of the Health Center Program, performed by federal contractors. Dating from the founding of the initial community health centers in the mid-1960s up to the present time, the analysis will consider the evolution and critical milestones of BPHC and the Health Center Program based on documentary research and interviews with individuals with historical knowledge of the Health Center Program and the health center movement.

A 60-day notice published in the **Federal Register** (86 FR 30962 (June 10, 2021)). There were no public comments.

**Need and Proposed Use of the Information:** The information gathered through interviews will be combined with information drawn from documentary research to inform the historical analysis. The results of the analysis will be presented in communication products for an internal audience, as well as products for an external audience. The goals of the project are to increase awareness of the Health Center Program management

within the government and among the general public, as well as to inform BPHC's future development by analyzing and drawing lessons from its earlier administration of the Health Center Program.

**Likely Respondents:** Interviews are expected with current and former BPHC employees, as well as representatives of the National Association of Community Health Centers, other national organizations, state and regional Primary Care Associations, and HRSA-funded health centers. A list of possible interviewees has been compiled with input by current and former HRSA leadership and staff. A total of 35–50 interviews are expected.

Interviews will be conducted virtually by a trained moderator and note taker, using a structured in-depth interview guide. Each interview is expected to last approximately one hour. It is also anticipated that interviewees may spend up to 15 minutes preparing for their interviews, for example by reviewing historical files. Signed consent forms regarding participation and the use of recording devices during the interview will be obtained from each participant prior to their participation in the interviews. The in-depth interview guide is available upon request.

**Burden Statement:** Burden in this context means the time expended by persons to generate, maintain, retain,

disclose or provide the information requested. This includes the time needed to: Review instructions; develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; train personnel and to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

#### TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Historical interview .....	50	1	50	1.25	62.5
Total .....	50	.....	50	.....	62.5

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**Maria G. Button,**

*Director, Executive Secretariat.*

[FR Doc. 2021-20524 Filed 9-21-21; 8:45 am]

**BILLING CODE 4165-15-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Announcement of Opportunity To Become an Office on Women's Health (OWH) Self-Measured Blood Pressure (SMBP) Program Partner; Notice by the U.S. Department of Health and Human Services

**AGENCY:** Office on Women's Health, Office of the Assistant Secretary for Health, Office of the Secretary, U.S. Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of Health and Human Services' (HHS) Office on Women's Health (OWH) invites public and private sector

organizations to apply to become an OWH Self-Measured Blood Pressure (SMBP) Partner. This ongoing partnership opportunity engages support from partner organizations to promote SMBP and encourages women to maintain healthy blood pressure levels at every age and stage of their lives. Through the OWH SMBP Partnership Program ("SMBP Program"), OWH seeks to increase knowledge and access to SMBP information and resources, as well as encourage organizations to address heart health disparities, prevent hypertension, promote self-measured blood pressure, and improve health equity on a community level. The SMBP Program will launch during the 2nd annual observance of National Women's Blood Pressure Awareness Week (NWBPAW), October 17–23, 2021. The SMBP Program will build on momentum generated by NWBPAW, which emphasizes the importance of blood pressure control and empowers women to improve their heart health through simple, everyday actions.

**Eligibility:** Any organization may apply to be a SMBP Program partner. The selected SMBP Program partners may be recognized for their commitment and their work toward achieving the goals of the program.

SMBP Program partners can be public and private organizations such as those at the state, local, county, and tribal levels, non-governmental organizations, non-profit organizations, businesses,

academic organizations, organizations that impact health outcomes, philanthropic organizations, and tribal organizations that identify themselves as being aligned with or promoting the goals of the program.

Organizations that work in areas such as fitness, nutrition, housing, health education, and those working to improve health outcomes in women may apply. Social organizations that work with, or have access to large populations of women, organizations promoting women in sports, and child-care facilities may apply. Organizations that have a defibrillator accessible onsite and are willing to make a self-measured blood pressure cuff accessible onsite, and organizations that identify themselves as being aligned with, or promoting blood pressure control are encouraged to apply.

All organizations may apply.

Individuals are not eligible to become an SMBP Program partner.

Applicants shall submit a letter of interest and identify how they support or plan to support the SMBP Program goals. Applicants will be considered according to the organization's commitment to support those goals.

SMBP Program partners may receive recognition from OWH on [womenshealth.gov](https://www.womenshealth.gov), [girlshealth.gov](https://www.girlshealth.gov), or OWH Social Media platforms. They may also receive SMBP information and resources for dissemination.

The following activities may be considered as an organization's



demonstrated commitment to the SMBP Program's overarching goals and objectives:

- Working to increase behaviors women can take to improve their heart health;
- Increasing access to resources and information regarding hypertension, cardiovascular disease, health risks associated with high blood pressure, and factors that increase the risk of high blood pressure;
- Increasing knowledge and utilization of SMBP activities (also referred to as "self-monitoring");
- Increasing understanding of blood pressure needs and understanding of blood pressure numbers;
- Increasing number of women collaborating with healthcare providers with a focus on self-monitoring blood pressure control, with special consideration to adapt or modify activities to meet the needs of diverse, minority, underserved, and hard to reach populations;
- Expanding efforts to reach those disproportionately affected by high blood pressure, including Black or African American women, Latina women, Asian/Pacific Islander women, American Indian/Alaska Native women, women of reproductive age, women in rural communities, and women across the lifespan, to include those negatively affected by comorbidities and social determinants of health;
- Developing partnerships to promote SMBP across a variety of sectors, including business, community, academic, education, faith based, government, health care, media, public health, and technology;
- Partnering with national, state, tribal, or local volunteer organizations to provide education, training, or programs regarding health promotion, disease prevention, hypertension, SMBP, health disparities, health equity, and well-being; and/or
- Including information in their public facing materials about programs for hypertension, addressing SMBP, eliminating disparities, achieving health equity, and/or promoting well-being in communities.

**Funds:** Neither HHS nor OWH will provide funds to support SMBP Program partners. Applicants, OWH, and SMBP Program partners will not be expected to contribute funds.

**Application:** Organizations may apply to be an SMBP Program partner. Organizations should submit a letter of interest acknowledging their support of the SMBP Program's overarching goals. Organizations interested in being SMBP Program partners shall identify in their letters of interest those activities from

the list noted above that demonstrate commitment to the SMBP Program's overarching goals and objectives and indicate how they address or support those goals.

**DATES:** Letters of interest to become an SMBP Program partner should be submitted to [OWHBPPartner@hhs.gov](mailto:OWHBPPartner@hhs.gov). Letters of interest will be accepted starting October 1, 2021 and will be reviewed periodically. OWH will conduct informational webinars for interested applicants. Interested organizations may use the following links to register for the informational webinars:

- September 24, 2021, at 1 p.m. Eastern Time (ET)
- September 27, 2021, at 1 p.m. Eastern Time (ET)

**ADDRESSES:** Letters of interest can be submitted via email to [OWHBPPartner@hhs.gov](mailto:OWHBPPartner@hhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Keiva Nelson, Office on Women's Health, Office of the Assistant Secretary for Health, U.S. Department of Health and Human Services; 200 Independence Avenue SW, 712E, Washington, DC 20201; Email: [OWHBPPartner@hhs.gov](mailto:OWHBPPartner@hhs.gov).

**SUPPLEMENTARY INFORMATION:**

**Background:** The HHS Office on Women's Health (OWH) is charged with providing expert advice and consultation to the Secretary concerning scientific, legal, ethical, and policy issues related to women's health. OWH establishes short-range and long-range goals within the Department and coordinates on activities within the Department that relate to disease prevention, health promotion, service delivery, research, and public and health care professional education, for issues of particular concern to women throughout their lifespan. OWH monitors the Department's activities regarding women's health and identifies needs regarding the coordination of activities. OWH is also responsible for facilitating the exchange of information through the National Women's Health Information Center. Additionally, OWH coordinates efforts to promote women's health programs and policies with the private sector.

**Requirements of Interested Organizations:** OWH invites organizations to submit a letter of interest to become a SMBP Program partner.

Organizations selected by OWH to be SMBP Program partners will sign a letter of understanding (LOU) with OWH outlining the terms and parameters of their support for the SMBP Program. Selection as an SMBP

Program partner does not imply any federal endorsement of the collaborating organization's general policies, activities, or products.

**Eligibility for Interested**

**Organizations:** To be eligible to become an SMBP Program partner, an organization shall: (1) Have a demonstrated interest in, understanding of, and experience with working to promote access to resources and information regarding hypertension, cardiovascular disease, factors that increase the risk of high blood pressure, health risks associated with high blood pressure, prevention strategies and self-measured blood pressure, health disparities, and health equity or (2) have an organizational or corporate mission that is aligned with the SMBP Program's goals; and (3) agree to sign a LOU with OWH, which will set forth the details of how the organization is supporting the goals of the SMBP Program.

**Letter of Interest Requirements:** Each SMBP Program letter of interest shall contain: (1) Organization name, location, website, and submitter's contact information; (2) a brief description of the organization's mission and/or values; and (3) a description of how the organization supports or plans to support the SMBP Program goals.

Submission of a letter of interest does not guarantee acceptance as a SMBP Program partner.

**Authority:** 42 U.S.C. 237a and 42 U.S.C. 300u-2(a).

Dated: September 14, 2021.

**Dorothy A. Fink,**

*Deputy Assistant Secretary for Women's Health.*

[FR Doc. 2021-20456 Filed 9-21-21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant



applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR-19-264: Imaging, Biomarkers and Digital Pathomics for the Early Detection of Premetastatic Aggressive Cancer.

*Date:* October 20, 2021.

*Time:* 3:00 p.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Eleni Apostolos Liapi, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817. 301-867-5309. [eleni.liapi@nih.gov](mailto:eleni.liapi@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR panel: International Research Ethics Education and Curriculum Development and Bioethics Research Training.

*Date:* October 22, 2021.

*Time:* 10:00 a.m. to 3:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237-9838, [bhagavas@csr.nih.gov](mailto:bhagavas@csr.nih.gov).

*Name of Committee:* Oncology 2—Translational Clinical Integrated Review Group; Clinical Oncology Study Section.

*Date:* October 25–26, 2021.

*Time:* 9:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Malaya Chatterjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, 301-806-2515, [chatterm@csr.nih.gov](mailto:chatterm@csr.nih.gov).

*Name of Committee:* Bioengineering Sciences & Technologies Integrated Review Group; Gene and Drug Delivery Systems Study Section.

*Date:* October 25–26, 2021.

*Time:* 9:00 a.m. to 8:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Jain Krotz, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, (240) 672-8670, [jain.krotz@nih.gov](mailto:jain.krotz@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Shared Instrumentation: Interdisciplinary Molecular Sciences and Technologies (S10).

*Date:* October 25–26, 2021.

*Time:* 9:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Alexander Gubin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6046B, MSC 7892, Bethesda, MD 20892, 301-408-9655, [gubina@csr.nih.gov](mailto:gubina@csr.nih.gov).

*Name of Committee:* Healthcare Delivery and Methodologies Integrated Review Group; Clinical Management in General Care Settings Study Section.

*Date:* October 25–26, 2021.

*Time:* 9:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Lauren Fordyce, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3214, Bethesda, MD 20892, (301) 435-6998, [fordycelm@mail.nih.gov](mailto:fordycelm@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Panel: Academic Industrial Partnerships for Translation of Medical Technologies.

*Date:* October 25–26, 2021.

*Time:* 9:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Guo Feng Xu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5122, MSC 7854, Bethesda, MD 20892, (301) 237-9870, [xuguofen@csr.nih.gov](mailto:xuguofen@csr.nih.gov).

*Name of Committee:* Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Biology Development and Disease Study Section.

*Date:* October 25–27, 2021.

*Time:* 10:00 a.m. to 8:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Aruna K. Behera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4211, MSC 7814, Bethesda, MD 20892, (301) 435-6809, [beheraak@csr.nih.gov](mailto:beheraak@csr.nih.gov).

*Name of Committee:* Cell Biology Integrated Review Group; Biology and Development of the Eye Study Section.

*Date:* October 25–26, 2021.

*Time:* 10:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Thomas Beres, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7840, Bethesda, MD 20892, 301-435-1175, [berestm@mail.nih.gov](mailto:berestm@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RM-21-012: Pilot Projects Investigating Understudied G-Protein Coupled Receptors, Ion Channels, and Protein Kinases.

*Date:* October 25–26, 2021.

*Time:* 10:00 a.m. to 8:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Sergei Ruvinov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301-435-1180, [ruvinser@csr.nih.gov](mailto:ruvinser@csr.nih.gov).

*Name of Committee:* Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Pathophysiology of Obesity and Metabolic Disease Study Section.

*Date:* October 26–27, 2021.

*Time:* 9:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Raul Rojas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6185, Bethesda, MD 20892, (301) 451-6319, [rojasr@mail.nih.gov](mailto:rojasr@mail.nih.gov).

*Name of Committee:* Oncology 1—Basic Translational Integrated Review Group; Molecular Oncogenesis Study Section.

*Date:* October 26–27, 2021.

*Time:* 9:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Jian Cao, MD, Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301-827-5902, [caojn@csr.nih.gov](mailto:caojn@csr.nih.gov).

*Name of Committee:* Bioengineering Sciences & Technologies Integrated Review Group; Instrumentation and Systems Development Study Section.

*Date:* October 26–27, 2021.

*Time:* 9:30 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Kee Forbes, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7806, Bethesda, MD 20892, 301-272-4865, [pyonkh2@csr.nih.gov](mailto:pyonkh2@csr.nih.gov).

*Name of Committee:* Infectious Diseases and Immunology B Integrated Review Group; Host Interactions with Bacterial Pathogens Study Section.

*Date:* October 26–27, 2021.

*Time:* 9:45 a.m. to 8:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Fouad A. El-Zaatari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7808, Bethesda, MD 20892, (301) 435–1149, [elzaataf@csr.nih.gov](mailto:elzaataf@csr.nih.gov).

*Name of Committee:* Healthcare Delivery and Methodologies Integrated Review Group; Community Influences on Health Behavior Study Section.

*Date:* October 26–27, 2021.

*Time:* 10:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Pia Kristiina Peltola, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892 (301) 594–9295, [pia.peltola@nih.gov](mailto:pia.peltola@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

*Dated:* September 17, 2021.

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021–20519 Filed 9–21–21; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Aging Special Emphasis Panel; Aging and Technology.

*Date:* October 22, 2021.

*Time:* 11:00 a.m. to 2:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

*Contact Person:* Kimberly Firth, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building, 7201 Wisconsin Avenue, Suite 2W200, Bethesda, MD 20892, (301) 402–7702 [firthkm@mail.nih.gov](mailto:firthkm@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

*Dated:* September 17, 2021.

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021–20520 Filed 9–21–21; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Deafness and Other Communication Disorders; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Hearing and Balance Fellowship Review.

*Date:* October 7–8, 2021.

*Time:* 11:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

*Contact Person:* Shiguang Yang, DVM, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Blvd., Room 8349, Bethesda, MD 20892, 301–496–8683, [yangshi@nidcd.nih.gov](mailto:yangshi@nidcd.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Chemical Senses Fellowship Review.

*Date:* October 12, 2021.

*Time:* 11:00 a.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

*Contact Person:* Shiguang Yang, DVM, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Blvd., Room 8349, Bethesda, MD 20892, 301–496–8683, [yangshi@nidcd.nih.gov](mailto:yangshi@nidcd.nih.gov).

*Name of Committee:* National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Voice, Speech and Language Fellowship Review

*Date:* October 26, 2021.

*Time:* 12:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

*Contact Person:* Eliane Lazar-Wesley, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, 6001 Executive Boulevard, Room 8339, MSC 9670, Bethesda, MD 20892–8401, 301–496–8683 [el6r@nih.gov](mailto:el6r@nih.gov).

*Name of Committee:* National Institute on Deafness and Other Communication Disorders Special Emphasis Panel Clinical Trial Review.

*Date:* October 27, 2021.

*Time:* 2:00 p.m. to 3:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

*Contact Person:* Katherine Shim, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIH/NIDCD, 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, 301–496–8683 [katherine.shim@nih.gov](mailto:katherine.shim@nih.gov).

*Name of Committee:* National Institute on Deafness and Other Communication Disorders Special Emphasis Panel, NIDCD R21/R33 Hearing Health Care Review.

*Date:* November 5, 2021.

*Time:* 9:00 a.m. to 11:30 a.m.,

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

*Contact Person:* Katherine Shim, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIH/NIDCD 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, 301–496–8683, [katherine.shim@nih.gov](mailto:katherine.shim@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: September 16, 2021.

**Victoria E. Townsend,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021-20468 Filed 9-21-21; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID FEMA-2021-0021]

#### Request for Information on the National Flood Insurance Program's Community Rating System Extension of Comment Period

**AGENCY:** Federal Emergency Management Agency, Department of Homeland Security.

**ACTION:** Extension of comment period.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) is extending the public comment period for its request for information published August 23, 2021 on the National Flood Insurance Program's (NFIP) Community Rating System (CRS). The request for information seeks public input on transforming the CRS program to better align with the current understanding of flood risk and flood risk approaches, and to incentivize communities not only to manage but also lower their flood risk through floodplain management initiatives.

**DATES:** Written comments on the request for information published at 86 FR 47128 (Aug. 23, 2021) may be submitted until 11:59 p.m. Eastern Time (ET) on Friday, October 22, 2021.

**ADDRESSES:** Written comments on the request for information must be submitted via the Federal eRulemaking Portal at <https://www.regulations.gov>. Search for FEMA-2021-0021-0001 and follow the instructions for submitting comments. All written comments received, including any personal information provided, may be posted without alteration at <https://www.regulations.gov>. For access to the docket and to read comments received by FEMA, go to <https://www.regulations.gov> and search for Docket ID FEMA-2021-0021.

**FOR FURTHER INFORMATION CONTACT:** Rachel Sears, Supervisory Emergency Management Specialist, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, *FEMA-CRS-Next@fema.dhs.gov*, 202-212-3800.

**SUPPLEMENTARY INFORMATION:** On August 23, 2021, FEMA published a Request for Information on the National Flood Insurance Program's Community Rating System.<sup>1</sup> In that RFI, FEMA asked for public input on the ways the agency can improve the CRS program: (1) To better align the CRS program with the improved understanding of flood risk and flood risk approaches that have developed since the program's inception; (2) to better incentivize communities and policyholders to become more resilient and to not only manage, but lower their vulnerability to flood risk, and (3) to support the sound financial framework of the NFIP.

FEMA is extending the comment period to ensure all interested parties have sufficient opportunity to provide comments on the CRS program. For the details on this request, please see the RFI published at 86 FR 47128. FEMA will carefully consider all relevant comments received during the entire comment period, including comments received after September 22, 2021.

The purpose of the request for information is to seek input on the NFIP's CRS program. Individuals cannot apply for FEMA assistance by submitting a comment to this request for information. If you are an individual who has been impacted by a disaster and you are seeking assistance from FEMA, please visit <http://www.fema.gov/assistance/individual> or call the FEMA Helpline (1-800-621-3362/TTY (800) 462-7585) to apply or receive information on a pending request.

**Deanne Criswell,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2021-20543 Filed 9-21-21; 8:45 am]

**BILLING CODE 9111-47-P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

[CIS No. 2676-21; DHS Docket No. USCIS-2019-0020]

RIN 1615-ZB83

#### Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.

**ACTION:** Notice; correction.

**SUMMARY:** U.S. Citizenship and Immigration Services (USCIS), a component of the Department of Homeland Security (DHS), is making a correction to the notice titled "Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal" that published in the **Federal Register** on September 10, 2021, at 86 FR 50725. USCIS is correcting an omission in the Additional Notes section of the notice to clarify that the previously announced determination to terminate the 2011 designation of TPS for Haiti will not be implemented or enforced unless and until the district court's orders in *Saget, et al., v. Trump, et al.*, No. 18-cv-1599 (E.D.N.Y. Apr. 11, 2019) ("*Saget*") and *Ramos, et al. v. Nielsen, et al.*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018) ("*Ramos*") are reversed and the reversal becomes final.

#### FOR FURTHER INFORMATION CONTACT:

- You may contact Andria Strano, Acting Chief, Humanitarian Affairs Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by mail at 5900 Capital Gateway Drive, Camp Springs, MD 20746, or by phone at 800-375-5283.

- For further information on TPS, please visit the USCIS TPS web page at [uscis.gov/tps](https://uscis.gov/tps).

- If you have additional questions about TPS, please visit [uscis.gov/tools](https://uscis.gov/tools). Our online virtual assistant, Emma, can answer many of your questions and point you to additional information on our website. If you are unable to find your answers there, you may also call our USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

- Applicants seeking information about the status of their individual cases may check Case Status Online, available

<sup>1</sup> 86 FR 47128. Commenters may reference the Request for Information for a general description of the CRS program.

on the USCIS website at [uscis.gov](https://uscis.gov), or visit the USCIS Contact Center at [uscis.gov/contactcenter](https://uscis.gov/contactcenter).

• Further information will also be available at local USCIS offices upon publication of this notice.

**SUPPLEMENTARY INFORMATION:** On September 10, 2021, DHS published a notice in the **Federal Register** at 86 FR 50725. USCIS is making a correction to that published notice. The correction is as follows:

USCIS is correcting the second sentence in the third paragraph in the Additional Notes section of the published notice. USCIS is correcting the sentence to state that the determination to terminate the 2011 designation of TPS for Haiti will not be implemented or enforced unless and until the district court's orders in *Saget* and *Ramos* are reversed and the reversal becomes final, rather than that the termination will not be implemented and enforced unless and until the district court's order in only *Saget* is reversed and the reversal becomes final. USCIS is making this correction because the termination is enjoined in *Ramos* as well as in *Saget*.

#### Correction

In FR 2021–19617, on page 50729 in the **Federal Register** of September 10, 2021, in the second column, USCIS is correcting the sentence as follows:

The previously announced determination to terminate the 2011 designation of TPS for Haiti will not be implemented or enforced unless and until the district courts' orders in *Saget* and *Ramos* are reversed and the reversal becomes final.

**Samantha Deshommes,**

Chief, Regulatory Coordination Division,  
Office of Policy and Strategy, U.S. Citizenship  
and Immigration Services, U.S. Department  
of Homeland Security.

[FR Doc. 2021–20481 Filed 9–21–21; 8:45 am]

BILLING CODE 9111–97–P

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Modification of Consent Decree Under the Clean Water Act and Oil Pollution Act

On September 15, 2021, the Department of Justice lodged with the United States District Court for the Western District of Michigan a proposed Sixth Modification of Consent Decree (“Sixth Modification”) in the lawsuit entitled *United States v. Enbridge Energy, Limited Partnership, et al.*, Civil Action No. 1:16–cv–914.

On May 23, 2017, the United States District Court for the Western District of Michigan approved and entered a Consent Decree that resolved specified claims asserted by the United States against Enbridge Energy, Limited Partnership and eight affiliated entities (“Enbridge”) under the Clean Water Act and Oil Pollution Act arising from two separate 2010 oil spills resulting from failures of Enbridge oil transmission pipelines near Marshall, Michigan and Romeoville, Illinois. The complaint filed by the United States alleged that Enbridge’s pipelines had unlawfully discharged oil into waters of the United States and sought civil penalties, recovery of removal costs, and injunctive relief. The Consent Decree established various requirements applicable to a network of 14 pipelines that comprise Enbridge’s Lakehead System—including dig selection criteria governing excavation, repair or mitigation, and imposition of interim pressure restrictions for various features, such as dents, corrosion and cracks, that are detected through In-Line Inspections (“ILI”) of such pipelines. Because certain of these dig selection criteria are based in part on the Established Maximum Operating Pressure (“EMOP”) applicable to the pipeline location where the particular feature is located, the Consent Decree incorporated by reference EMOP values established for each of the pipelines subject to the Consent Decree.

The proposed Sixth Modification would revise certain EMOP values to reflect new information developed during an MOP Verification Project undertaken between 2015 and December of 2020. In addition to revising EMOP values for purposes of implementing dig selection criteria, the proposed Sixth Modification establishes new provisions directly restricting operating pressures on pipelines subject to the Consent Decree, including: (1) An explicit prohibition on exceeding EMOP values except in limited circumstances involving surges or other variations from normal pipeline operations, and (2) new reporting requirements and stipulated penalty provisions relating to pipeline operating pressure provisions. Finally, in certain cases where the MOP Verification Project developed new information regarding pipe wall thickness at particular pipeline locations, the proposed Sixth Modification would require Enbridge to re-evaluate features and identify any additional features that meet Consent Decree dig selection criteria when revised pipe wall thickness information is taken into consideration.

The publication of this notice opens a period for public comment on the proposed Sixth Modification of Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Enbridge Energy, Limited Partnership, et al.*, D.J. Ref. No. 90–5–1–1–10099. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Sixth Modification of Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. The Justice Department will provide a paper copy of the proposed Sixth Modification of Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

In requesting a paper copy, please enclose a check or money order for \$7.00 (25 cents per page reproduction cost) payable to the United States Treasury.

**Patricia A. McKenna,**

Assistant Section Chief, Environmental  
Enforcement Section, Environment and  
Natural Resources Division.

[FR Doc. 2021–20434 Filed 9–21–21; 8:45 am]

BILLING CODE 4410–15–P

## NATIONAL COUNCIL ON DISABILITY

### Sunshine Act Meetings

**TIME AND DATE:** The Members of the National Council on Disability (NCD) will hold a quarterly business meeting on Thursday, October 7, 2021, 12:00 p.m.–4:00 p.m., Eastern Daylight Time (EDT).

**PLACE:** This meeting will occur via Zoom videoconference. Registration is not required. Interested parties are encouraged to join the meeting in an attendee status by Zoom Desktop Client, Mobile App, or Telephone to dial-in. Updated information is available on

NCD's event page at <https://ncd.gov/events/2021/upcoming-council-meeting>. To join the Zoom webinar, please use the following URL: <https://us06web.zoom.us/j/89220055273?pwd=U3F5MCtpbDBZMHBYs2ZLMG1SSFVRQT09> or enter Webinar ID: 892 2005 5273 in the Zoom app. The Passcode is: 824022.

To join the Council Meeting by telephone, dial one of the preferred numbers listed. The following numbers are (for higher quality, dial a number based on your current location): (669) 900-6833; (408) 638-0968; (312) 626-6799; (346) 248-7799; (253) 215-8782; (646) 876-9923; or (301) 715-8592. You will be prompted to enter the meeting ID 990-5149-5407 and passcode 151964. International numbers are also available: <https://us06web.zoom.us/j/kdMOIA3DGa>.

In the event of audio disruption or failure, attendees can follow the meeting by accessing the Communication Access Realtime Translation (CART) link provided. CART is text-only translation that occurs real time during the meeting and is not an exact transcript.

**MATTERS TO BE CONSIDERED:** Following welcome remarks and introductions, FY22 policy project updates will be given, including a presentation on NCD's forthcoming Intellectual and Developmental Disabilities Medicaid Dental Reimbursement Project. Following FY22 project updates, the Chairman, Executive Director, and Executive Committee will provide reports. Following those reports, there will be a community advocacy presentation; followed by an update on follow-up policy themes projects; legislative and public affairs updates; a public comment session; an NCD training for Council Members on special government employee pay policy; and any unfinished business before adjournment.

*Agenda:* The times provided below are approximations for when each agenda item is anticipated to be discussed (all times Eastern Daylight Time):

#### Thursday, Oct. 7, 2021

12:00–12:05 p.m.—Welcome and Call to Order  
12:05–12:50 p.m.—Policy Project Updates, FY22  
—Presentation and Q&A: IDD Medicaid-Dental Reimbursement Project  
—Updates: HCBS project/congregate settings; 2021 Progress Report (COVID-19); Disparate Treatment of Puerto Rican Residents with Disabilities Report; State Use of QALYs Project; Employee Misclassification Project; Voting

Rights Project; Employment Program Inventory; 2022 Progress Report (Climate Change)  
12:50–1:00 p.m.—Chairman's Report  
1:00–1:10 p.m.—Executive Director Report  
1:10–1:30 p.m.—Executive Committee Report  
—Updates: Governance Representative Report; Finance Representative Report; Status of funds; Presentation of FY23 budget  
1:30–2:05 p.m.—State Advocacy Highlight Presentation  
2:05–2:35 p.m.—Updates on Themes Projects  
—Updates: Health Equity/Medically Underserved Population Designation & Disability Cultural Competency Curriculum; Use of Quality-Adjusted Life Years (QALYs) as a Barrier to Health Care Access; Rationing and Denying Health Care to People with Disabilities; Medicaid Portability; Fostering Job Growth for People with Disabilities through the Small Business Administration 8(a) Business Development Program; Pursuing Better Data and Federal Guidance Regarding Sexual Assault of Students with Disabilities  
2:40–3:00 p.m.—Legislative and Public Affairs Report Out  
3:00–3:30 p.m.—Public Comment  
Via "Hand Raise" on Zoom; Review of Written Submissions  
3:30–4:00 p.m.—NCD Training for Council Members on Special Government Employee Pay Policy  
4:00 p.m.—Adjourn

*Public Comment:* Your participation during the public comment period provides an opportunity for us to hear from you—individuals, businesses, providers, educators, parents and advocates. Your comments are important in bringing to the Council's attention issues and priorities of the disability community. Because of the virtual setting, there will be a hybrid option for submitting public comment. The Council is soliciting public comment by email, in advance of the meeting; or via video or audio over Zoom during the meeting itself. Emailed public comment submissions will be reviewed during the meeting and delivered to members of the Council at its conclusion. You can also present public comment during the session by clicking the "Hand Raise" button in Zoom and waiting to be called on. If you plan to present over Zoom, please provide advance notice. To provide written comments in advance or to provide notice of your intent to present public comment during the live meeting via Zoom, please send an email to

[PublicComment@ncd.gov](mailto:PublicComment@ncd.gov) with the subject line "Public Comment" and your name, organization, state, and topic of comment included in the body of your email. Submission should be received no later than Oct. 6 to ensure inclusion.

**CONTACT PERSON FOR MORE INFORMATION:** Nicholas Sabula, Public Affairs Specialist, NCD, 1331 F Street NW, Suite 850, Washington, DC 20004; 202-272-2004 (V), or [nsabula@ncd.gov](mailto:nsabula@ncd.gov).

*Accommodations:* An ASL interpreter will be on-camera during the entire meeting, and CART has been arranged for this meeting and will be embedded into the Zoom platform as well as available via streamtext link. The web link to access CART (in English) is: <https://www.streamtext.net/player?event=NCD>. If you require additional accommodations, please notify Anthony Simpson by sending an email to [asimpson.cntr@ncd.gov](mailto:asimpson.cntr@ncd.gov) as soon as possible and no later than 24 hours prior to the meeting.

Due to last-minute confirmations or cancellations, NCD may substitute items without advance public notice.

Dated: September 17, 2021.

**Anne C. Sommers McIntosh,**  
*Executive Director.*

[FR Doc. 2021-20643 Filed 9-20-21; 4:15 pm]

**BILLING CODE 8421-02-P**

## NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

### Institute of Museum and Library Services

#### Notice of Proposed Information Collection Requests: Improving Customer Experience (OMB Circular A-11, Section 280 Implementation)

**AGENCY:** Institute of Museum and Library Services, National Foundation for the Arts and the Humanities.

**ACTION:** Notice; request for comment.

**SUMMARY:** The Institute of Museum and Library Services (IMLS) as part of its continuing effort to reduce paperwork and respondent burden, is announcing an opportunity for public comment on a new proposed collection of information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on new collection proposed by the Agency.

**DATES:** Submit comments on or before: November 22, 2021.

**ADDRESSES:** Send comments to Connie Bodner, Ph.D., Director of Grants Policy and Management, Office of Grants Policy and Management, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024-2135. Dr. Bodner can be reached by telephone: 202-653-4636, or by email at [cbodner@imls.gov](mailto:cbodner@imls.gov). Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays. Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202-207-7858 via 711 for TTY-Based Telecommunications Relay Service.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Amira Boland, Office of Management and Budget, 725 17th St. NW, Washington, DC 20006, 202-881-9453, via email to [amira.c.boland@omb.eop.gov](mailto:amira.c.boland@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Purpose**

Under the PRA, (44 U.S.C. 3501-3520) Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, IMLS is publishing notice of the proposed collection of information set forth in this document.

Whether seeking a loan, Social Security benefits, veterans benefits, or other services provided by the Federal Government, individuals and businesses expect Government customer services to be efficient and intuitive, just like services from leading private-sector organizations. Yet the 2016 American Consumer Satisfaction Index and the 2017 Forrester Federal Customer Experience Index show that, on average, Government services lag nine percentage points behind the private sector.

A modern, streamlined and responsive customer experience means: Raising government-wide customer experience to the average of the private sector service industry; developing

indicators for high-impact Federal programs to monitor progress towards excellent customer experience and mature digital services; and providing the structure (including increasing transparency) and resources to ensure customer experience is a focal point for agency leadership. To support this, OMB Circular A-11 Section 280 established government-wide standards for mature customer experience organizations in government and measurement. To enable Federal programs to deliver the experience taxpayers deserve, they must undertake three general categories of activities: conduct ongoing customer research, gather and share customer feedback, and test services and digital products.

These data collection efforts may be either qualitative or quantitative in nature or may consist of mixed methods. Additionally, data may be collected via a variety of means, including but not limited to electronic or social media, direct or indirect observation (*i.e.*, in person, video and audio collections), interviews, questionnaires, surveys, and focus groups. IMLS will limit its inquiries to data collections that solicit strictly voluntary opinions or responses. Steps will be taken to ensure anonymity of respondents in each activity covered by this request.

The results of the data collected will be used to improve the delivery of Federal services and programs. It will include the creation of personas, customer journey maps, and reports and summaries of customer feedback data and user insights. It will also provide government-wide data on customer experience that can be displayed on [performance.gov](http://performance.gov) to help build transparency and accountability of Federal programs to the customers they serve.

*Method of Collection*

IMLS will collect this information by electronic means when possible, as well as by mail, telephone, technical discussions, and in-person interviews. IMLS may also utilize observational techniques to collect this information.

*Data*

*Form Number(s):* None.  
*Type of Review:* New.

**B. Annual Reporting Burden**

*Affected Public:* Collections will be targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future. For the purposes of this request, "customers" are individuals,

businesses, and organizations that interact with IMLS or one of its programs, either directly or via a Federal contractor. This could include individuals or households; businesses or other for-profit organizations; not-for-profit institutions; State, local or tribal governments; Federal government; and Universities.

- *OMB Approval Number:* 3137-NEW.
- *Estimated Number of Respondents:* 5,000.
- *Estimated Time per Response:* Varied, dependent upon the data collection method used. The possible response time to complete a questionnaire or survey may be 3 minutes or up to 2 hours to participate in an interview.
- *Estimated Total Annual Burden Hours:* 250.
- *Estimated Total Annual Cost to Public:* \$0.

**C. Public Comments**

*IMLS invites comments on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 17, 2021.

**Kim Miller,**

*Senior Grants Management Specialist,  
Institute of Museum and Library Services.*

[FR Doc. 2021-20497 Filed 9-21-21; 8:45 am]

**BILLING CODE 7036-01-P**

**NUCLEAR REGULATORY COMMISSION**

[NRC-2021-0132]

**Information Collection: NRC Insider Threat Program for Licensees and Others Requiring Access to Classified Information**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed information collection; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) invites public comment on this proposed information collection. The information collection is entitled, “NRC Insider Threat Program for Licensees and Others Requiring Access to Classified Information.”

**DATES:** Submit comments by November 22, 2021. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking website:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2021–0132. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Obtaining Information and Submitting Comments**

###### *A. Obtaining Information*

Please refer to Docket ID NRC–2021–0132 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking website:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2021–0132. A copy of the collection of information and related instructions may be obtained

without charge by accessing Docket ID NRC–2021–0132 on this website.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The supporting statement is available in ADAMS under Accession No. ML21188A053.

- *NRC’s PDR:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1–800–397–4209 between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

- *NRC’s Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC’s Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

###### *B. Submitting Comments*

The NRC encourages electronic comment submission through the Federal Rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC–2021–0132 in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

## **II. Background**

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB’s approval for the information collection summarized below.

1. *The title of the information collection:* “NRC Insider Threat Program for Licensees and Others Requiring Access to Classified Information.”

2. *OMB approval number:* An OMB control number has not yet been assigned to this proposed information collection.

3. *Type of submission:* New.

4. *The form number, if applicable:* There are no forms required under the Insider Threat Program.

5. *How often the collection is required or requested:* Annually or as events occur.

6. *Who will be required or asked to respond:* All licensees or stakeholders who have been granted access to classified information under Title 10 of the Code of Federal Regulations Part 95, Facility Security Clearance and Safeguarding of National Security Information and Restricted Data.

7. *The estimated number of annual responses:* 99 (71 Reporting + 28 Recordkeepers).

8. *The estimated number of annual respondents:* 28.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 3,828 (2,630 Reporting hrs. + 1,198 Recordkeeping hrs.).

10. *Abstract:* The NRC-regulated facilities and their contractors who are authorized to access and possess classified matter are required to provide information and maintain records to demonstrate they have established and are maintaining an Insider Threat Program to identify and protect classified information against a potential insider threat.

## **III. Specific Requests for Comments**

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?



Dated: September 17, 2021.

For the Nuclear Regulatory Commission.

**David C. Cullison,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 2021-20475 Filed 9-21-21; 8:45 am]

**BILLING CODE 7590-01-P**

## POSTAL REGULATORY COMMISSION

[Docket Nos. MC2021-130 and CP2021-135]

### New Postal Product

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* September 24, 2021.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202-789-6820.

### SUPPLEMENTARY INFORMATION:

#### Table of Contents

- I. Introduction
- II. Docketed Proceeding(s)

#### I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505

(Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.<sup>1</sup>

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

#### II. Docketed Proceeding(s)

1. *Docket No(s):* MC2021-130 and CP2021-135; *Filing Title:* USPS Request to Add Priority Mail & First-Class Package Service Contract 201 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 16, 2021; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* September 24, 2021.

This Notice will be published in the **Federal Register**.

**Erica A. Barker,**

*Secretary.*

[FR Doc. 2021-20491 Filed 9-21-21; 8:45 am]

**BILLING CODE 7710-FW-P**

## POSTAL SERVICE

### Product Change—Priority Mail and First-Class Package Service Negotiated Service Agreement

**AGENCY:** Postal Service™.

**ACTION:** Notice.

**SUMMARY:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to

<sup>1</sup> See Docket No. RM2018-3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19-22 (Order No. 4679).

the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

**DATES:** *Date of required notice:* September 22, 2021.

### FOR FURTHER INFORMATION CONTACT:

Sean Robinson, 202-268-8405.

**SUPPLEMENTARY INFORMATION:** The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 16, 2021, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & First-Class Package Service Contract 201 to Competitive Product List*. Documents are available at [www.prc.gov](http://www.prc.gov), Docket Nos. MC2021-130, CP2021-135.

**Sean Robinson,**

*Attorney, Corporate and Postal Business Law.*

[FR Doc. 2021-20516 Filed 9-21-21; 8:45 am]

**BILLING CODE 7710-12-P**

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meetings

**TIME AND DATE:** Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission Asset Management Advisory Committee ("AMAC") will hold a public meeting on Monday, September 27, 2021 at 9:30 a.m.

**PLACE:** The meeting will be conducted by remote means. Members of the public may watch the webcast of the meeting on the Commission's website at [www.sec.gov](http://www.sec.gov).

**STATUS:** The meeting will begin at 9:30 a.m. and will be open to the public by webcast on the Commission's website at [www.sec.gov](http://www.sec.gov).

**MATTERS TO BE CONSIDERED:** On September 13, 2021, the Commission issued notice of the meeting (Release No. 34-92966), indicating that the meeting is open to the public and inviting the public to submit written comments to AMAC. This Sunshine Act notice is being issued because a majority of the Commission may attend the meeting.

The meeting will include a discussion of matters in the asset management industry relating to: The Private Investments Subcommittee, including its potential recommendations; and the Evolution of Advice and the Small Advisers and Small Funds Subcommittees, including panel discussions.



**CONTACT PERSON FOR MORE INFORMATION:** For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551-5400.

Dated: September 20, 2021.

**Vanessa A. Countryman,**  
Secretary.

[FR Doc. 2021-20614 Filed 9-20-21; 4:15 pm]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93017; File No. SR-ISE-2021-19]

### Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 3, Section 17, To Decommission the Exchange's Quote Removal Kill Switch Functionality

September 16, 2021.

Pursuant to Section 19(b)(1) <sup>1</sup> of the Securities Exchange Act of 1934 ("Act") <sup>2</sup> and Rule 19b-4 thereunder, <sup>3</sup> notice is hereby given that, on September 2, 2021, Nasdaq ISE, LLC ("ISE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to decommission the Exchange's quote removal Kill Switch functionality at Options 3, Section 17.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/ise/rules>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the

places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange proposes to amend Options 3, Section 17 to decommission the Exchange's quote removal Kill Switch functionality, which is an optional tool that allows Market Makers to initiate a message <sup>4</sup> to the System <sup>5</sup> to promptly cancel and restrict their quote activity on ISE, or across both ISE and its affiliate, Nasdaq GEMX, in either case as set by the Market Maker. Market Makers may submit a Kill Switch request to the System for certain identifier(s) ("Identifier") on either a user or group level. <sup>6</sup> If quotes are cancelled by the Market Maker using Kill Switch, it will result in the removal of all quotes requested for the Identifier(s). The Market Maker will be unable to enter any additional quotes for the affected Identifier(s) until the Market Maker sends a re-entry request to the Exchange. <sup>7</sup>

Due to the lack of demand for the quote removal Kill Switch by Market Makers, the Exchange proposes to decommission this optional tool by the end of Q4 2021. <sup>8</sup> Through consultation with individual Market Maker firms prior to filing this rule change, the Exchange did not receive any negative

<sup>4</sup> Today, Market Makers can log in through a graphical user interface ("GUI") to send a message to the Exchange to initiate the quote removal or order cancellation Kill Switch. See Options 3, Section 17(a)(2). The Exchange also currently offers an order cancellation Kill Switch through its order entry ports (i.e., FIX, OTTO, and Precise) as an alternative to its GUI Kill Switch. See Options 3, Section 17(a)(1). The Exchange is not amending the port Kill Switch functionality with this proposal.

<sup>5</sup> The term "System" means the electronic system operated by the Exchange that receives and disseminates quotes, executes orders and reports transactions. See Options 1, Section 1(a)(50).

<sup>6</sup> Identifiers include Exchange accounts, ports, and/or badges or mnemonics. Thus, a Market Maker using Kill Switch may elect to remove quotes for an individual Identifier (e.g., badge) or any group of Identifiers (e.g., all badges within one Market Maker firm). Permissible groups must reside within a single Member firm.

<sup>7</sup> See Options 3, Section 17(a)(2) and (3). The GUI Kill Switch tool also currently allows Members to cancel open orders and prevent new order submission. As noted above, the Exchange also offers an order cancellation Kill Switch through its order entry ports. See *supra* note 4. The Exchange is not proposing to decommission the order cancellation portion of the GUI Kill Switch or the order cancellation port Kill Switch at this time.

<sup>8</sup> No Market Makers have used the Kill Switch for quote removal in 2021.

feedback for its proposal to decommission the quote removal Kill Switch functionality. The Exchange has also provided all market participants with advance notice that it will decommission this functionality in Q4 2021. <sup>9</sup> With the proposed changes, the Exchange seeks to streamline its product offerings and to reallocate Exchange resources to other business and risk management initiatives. While the Exchange will no longer offer this optional functionality to Market Makers, it will continue to offer similar quote management tools that would assist Market Makers with their efforts to manage their risk with respect to quotes on the Exchange. For example, Market Makers are currently able to send a mass purge request through Specialized Quote Feed ("SQF") to pull their existing quotes from the market and inhibit the entry of new quotes until the Market Maker sends a message to the Exchange to re-enter the System. <sup>10</sup> Indeed, the Exchange has found that Market Makers utilize this SQF purge functionality instead of the Kill Switch quote removal tool when they want to remove their quotes from the market.

In addition, all Members, including Market Makers, may contact the Exchange's market operations staff to request that the Exchange cancel any of their existing bids, offers, or orders in any series of options. <sup>11</sup> Furthermore, the Exchange will continue to have mandatory System-enforced risk mechanisms that automatically remove quotes for the Market Maker once certain pre-set thresholds or conditions are met. This includes risk protections such as rapid fire risk controls <sup>12</sup> and cancel on disconnect. <sup>13</sup>

<sup>9</sup> See Options Trader Alert #2021-49.

<sup>10</sup> "SQF" is an interface that allows Market Makers to connect, send, and receive messages related to quotes, Immediate-or-Cancel Orders, and auction responses to the Exchange. Features include the following: (1) Options symbol directory messages (e.g., underlying and complex instruments); (2) System event messages (e.g., start of trading hours messages and start of opening); (3) trading action messages (e.g., halts and resumes); (4) execution messages; (5) quote messages; (6) Immediate-or-Cancel Order messages; (7) risk protection triggers and purge notifications; (8) opening imbalance messages; (9) auction notifications; and (10) auction responses. The SQF Purge Interface only receives and notifies of purge requests from the Market Maker. Market Makers may only enter interest into SQF in their assigned options series. See Supplementary Material .03(c) to Options 3, Section 7.

<sup>11</sup> See Options 3, Section 19.

<sup>12</sup> The rapid fire risk controls automatically remove Market Maker quotes submitted over SQF when certain firm-set thresholds are met. Once the thresholds are triggered, the Market Maker must send a re-entry indicator to re-enter the System. See Options 3, Section 15(a)(3)(B).

<sup>13</sup> When the SQF Port detects the loss of communication with a Member's Client Application

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

To effect the decommissioning of the quote removal Kill Switch, the Exchange proposes to amend Options 3, Section 17 by eliminating all references to quote cancellation within this Rule.

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>14</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>15</sup> in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. Additionally, the Exchange believes that the proposed rule change is consistent with the Section 6(b)(5) requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Specifically, the Exchange does not believe that the proposed rule change will affect the protection of investors or the public interest or the maintenance of a fair and orderly market because no Market Makers have used the quote removal Kill Switch risk control in 2021. In addition, the Exchange notes that the use of this tool is completely optional, and the Exchange will continue to offer Market Makers similar risk management tools such as the SQF mass quote purge functionality. As discussed above, the Exchange has found that Market Makers use the SQF purge functionality much more frequently than the quote removal Kill Switch to pull their quotes from the market. Furthermore, Market Makers will retain the ability to contact market operations staff to manually purge their quotes from the market. In addition, the Exchange will continue to implement mandatory System-enforced risk mechanisms that automatically remove quotes for the Market Maker once certain pre-set thresholds or conditions are met (*i.e.*, rapid fire and cancel on disconnect).

Also, the Exchange believes that the low usage rate for the quote removal Kill Switch does not warrant the continuous resources necessary for System support of such tools. As a result, the Exchange

also believes that the proposal will remove impediments to and perfect the mechanism of a free and open market and a national market system by allowing the Exchange to reallocate System capacity and resources currently used to maintain this functionality to the development and maintenance of other business initiatives and risk management products.

As noted above, the Exchange will retain the ability for Members to utilize Kill Switch to cancel orders and prevent new order submission. The Exchange does not believe that decommissioning the quote removal portion of the Kill Switch tool for Market Makers is unfairly discriminatory because Market Makers are professional traders with their own risk settings, and have more sophisticated infrastructures than most other market participants. Furthermore, as discussed above, the Exchange has determined that Market Makers currently use the mass purge functionality on SQF to pull their quotes from the market instead of using the quote removal Kill Switch tool to achieve the same result.

## B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will allow the Exchange to decommission a risk management tool that is rarely, if ever, used on the Exchange. As discussed above, Market Makers currently have a variety of similar tools like the quote removal Kill Switch that allow them to pull their quotes from the market and inhibit the entry of new quotes, including the mass quote purge functionality on SQF that the Exchange has found Market Makers use much more frequently than the quote removal Kill Switch to achieve the same result.

As noted above, the Exchange will retain the ability for Members to utilize Kill Switch to cancel orders and prevent new order submission. The Exchange does not believe that decommissioning the quote removal portion of the Kill Switch tool for Market Makers will impose an undue burden on competition because Market Makers are professional traders with their own risk settings, and have more sophisticated infrastructures than most other market participants.

## C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>16</sup> and Rule 19b-4(f)(6) thereunder.<sup>17</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

### Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-ISE-2021-19 on the subject line.

### Paper Comments

- Send paper comments in triplicate to: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to File Number SR-ISE-2021-19. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will

because the Exchange's server does not receive a Heartbeat message for a certain time period ("nn" seconds), the Exchange will automatically logoff the Member's affected Client Application and automatically cancel all of the Member's open quotes pursuant to Section 18(e). Quotes will be cancelled across all Client Applications that are associated with the same ISE Market Maker ID and underlying issues. See Options 3, Section 18(b).

<sup>14</sup> 15 U.S.C. 78f(b).

<sup>15</sup> 15 U.S.C. 78f(b)(5).

<sup>16</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>17</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-ISE-2021-19 and should be submitted on or before October 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>18</sup>

**J. Matthew DeLesDernier,**  
Assistant Secretary.

[FR Doc. 2021-20449 Filed 9-21-21; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93015; File No. SR-PHLX-2021-51]

### Self-Regulatory Organizations; Nasdaq PHLX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 3, Section 17, To Decommission the Exchange's Quote Removal Kill Switch Functionality

September 16, 2021.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 ("Act")<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that, on September 2, 2021, Nasdaq PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission

("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to decommission the Exchange's quote removal Kill Switch functionality at Options 3, Section 17.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/phlx/rules>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange proposes to amend Options 3, Section 17 to decommission the Exchange's quote removal Kill Switch functionality, which is an optional tool that allows Market Makers<sup>4</sup> to initiate a message (or messages)<sup>5</sup> to the System<sup>6</sup> to promptly remove their quotes from the market. Market Makers may submit a request to the System to remove quotes based on certain identifier(s) on either a user or group level ("Identifier").<sup>7</sup> If quotes are

cancelled by the Market Maker using Kill Switch, it will result in the removal of all quotes requested for the Identifier(s). The Market Maker will be unable to enter any additional quotes for the affected Identifier(s) until the Market Maker sends a re-entry request to the Exchange.<sup>8</sup>

Due to the lack of demand for the quote removal Kill Switch by Market Makers, the Exchange proposes to decommission this optional tool by the end of Q4 2021.<sup>9</sup> Through consultation with individual Market Maker firms prior to filing this rule change, the Exchange did not receive any negative feedback for its proposal to decommission the quote removal Kill Switch functionality. The Exchange has also provided all market participants with advance notice that it will decommission this functionality in Q4 2021.<sup>10</sup> With the proposed changes, the Exchange seeks to streamline its product offerings and to reallocate Exchange resources to other business and risk management initiatives. While the Exchange will no longer offer this optional functionality to Market Makers, it will continue to offer similar quote management tools that would assist Market Makers with their efforts to manage their risk with respect to quotes on the Exchange. For example, Market Makers are currently able to send a mass purge request through Specialized Quote Feed ("SQF") to pull their existing quotes from the market and inhibit the entry of new quotes until the Market Maker sends a message to the Exchange to re-enter the System.<sup>11</sup>

an individual Identifier (e.g., badge) or any group of Identifiers (e.g., all badges within one Market Maker firm). Permissible groups must reside within a single member firm.

<sup>8</sup> See Options 3, Section 17. The Kill Switch tool also currently allows Phlx members to cancel open orders and prevent new order submission. The Exchange is not proposing to decommission the order cancellation portion of the Kill Switch tool at this time.

<sup>9</sup> No Market Makers have used the Kill Switch for quote removal in 2021.

<sup>10</sup> See Options Trader Alert #2021-49.

<sup>11</sup> "SQF" is an interface that allows Lead Market Makers, Streaming Quote Traders ("SQTs") and Remote Streaming Quote Traders ("RSQTs") to connect, send, and receive messages related to quotes, Immediate-or-Cancel Orders, and auction responses into and from the Exchange. Features include the following: (1) Options symbol directory messages (e.g., underlying and complex instruments); (2) system event messages (e.g., start of trading hours messages and start of opening); (3) trading action messages (e.g., halts and resumes); (4) execution messages; (5) quote messages; (6) Immediate-or-Cancel Order messages; (7) risk protection triggers and purge notifications; (8) opening imbalance messages; (9) auction notifications; and (10) auction responses. The SQF Purge Interface only receives and notifies of purge requests from the Lead Market Maker, SQT or RSQT. Lead Market Makers, SQTs and RSQTs may

<sup>18</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

<sup>4</sup> For purposes of this filing, Market Makers include Lead Market Makers, Streaming Quote Traders, and Remote Streaming Quote Traders. See Options 1, Section 1(b)(28).

<sup>5</sup> Today, Market Makers can log into an interface to send a message to the Exchange to initiate the Kill Switch.

<sup>6</sup> For purposes of this filing, the term "System" shall mean the automated system for order execution and trade reporting owned and operated by the Exchange. See Options 1, Section 1(b)(57).

<sup>7</sup> Identifiers include Exchange accounts, ports, and/or badges or mnemonics. Thus, a Market Maker using Kill Switch may elect to remove quotes for

Indeed, the Exchange has found that Market Makers utilize this SQF purge functionality instead of the Kill Switch quote removal tool when they want to remove their quotes from the market.

In addition, all Phlx members, including Market Makers, may contact the Exchange's market operations staff to request that the Exchange cancel any of their existing bids, offers, or orders in any series of options.<sup>12</sup> Furthermore, the Exchange will continue to have mandatory System-enforced risk mechanisms that automatically remove quotes for the Market Maker once certain pre-set thresholds or conditions are met. This includes risk protections such as rapid fire risk controls<sup>13</sup> and cancel on disconnect.<sup>14</sup>

To effect the decommissioning of the quote removal Kill Switch, the Exchange proposes to amend Options 3, Section 17 by eliminating all references to quote removal within this Rule. In connection with this change, the Exchange will also renumber current Options 3, Section 17(a)(2) and (a)(3) as Options 3, Section 17(a)(1) and (a)(2), respectively.

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>15</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>16</sup> in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. Additionally, the Exchange believes that the proposed rule change is consistent with the Section 6(b)(5) requirement that the rules of an exchange not be designed to permit unfair

discrimination between customers, issuers, brokers, or dealers.

Specifically, the Exchange does not believe that the proposed rule change will affect the protection of investors or the public interest or the maintenance of a fair and orderly market because no Market Makers have used the quote removal Kill Switch risk control in 2021. In addition, the Exchange notes that the use of this tool is completely optional, and the Exchange will continue to offer Market Makers similar risk management tools such as the SQF mass quote purge functionality. As discussed above, the Exchange has found that Market Makers use the SQF purge functionality much more frequently than the quote removal Kill Switch to pull their quotes from the market. Furthermore, Market Makers will retain the ability to contact market operations staff to manually purge their quotes from the market. In addition, the Exchange will continue to implement mandatory System-enforced risk mechanisms that automatically remove quotes for the Market Maker once certain pre-set thresholds or conditions are met (*i.e.*, rapid fire and cancel on disconnect).

Also, the Exchange believes that the low usage rate for the quote removal Kill Switch does not warrant the continuous resources necessary for System support of such tools. As a result, the Exchange also believes that the proposal will remove impediments to and perfect the mechanism of a free and open market and a national market system by allowing the Exchange to reallocate System capacity and resources currently used to maintain this functionality to the development and maintenance of other business initiatives and risk management products.

As noted above, the Exchange will retain the ability for Phlx members to utilize Kill Switch to cancel orders and prevent new order submission. The Exchange does not believe that decommissioning the quote removal portion of the Kill Switch tool for Market Makers is unfairly discriminatory because Market Makers are professional traders with their own risk settings, and have more sophisticated infrastructures than most other market participants. Furthermore, as discussed above, the Exchange has determined that Market Makers currently use the mass purge functionality on SQF to pull their quotes from the market instead of using the quote removal Kill Switch tool to achieve the same result.

## B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will allow the Exchange to decommission a risk management tool that is rarely, if ever, used on the Exchange. As discussed above, Market Makers currently have a variety of similar tools like the quote removal Kill Switch that allow them to pull their quotes from the market and inhibit the entry of new quotes, including the mass quote purge functionality on SQF that the Exchange has found Market Makers use much more frequently than the quote removal Kill Switch to achieve the same result.

As noted above, the Exchange will retain the ability for Phlx members to utilize Kill Switch to cancel orders and prevent new order submission. The Exchange does not believe that decommissioning the quote removal portion of the Kill Switch tool for Market Makers will impose an undue burden on competition because Market Makers are professional traders with their own risk settings, and have more sophisticated infrastructures than most other market participants.

## C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>17</sup> and Rule 19b-4(f)(6) thereunder.<sup>18</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if

<sup>17</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>18</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

only enter interest into SQF in their assigned options series. See Options 3, Section 7(a)(i)(B).

<sup>12</sup> See Options 3, Section 19.

<sup>13</sup> The rapid fire risk controls automatically remove Market Maker quotes submitted over SQF when certain firm-set thresholds are met. Once the thresholds are triggered, the Market Maker must send a re-entry indicator to re-enter the System. See Options 3, Section 15(c)(2).

<sup>14</sup> When the SQF Port detects the loss of communication with a member's Client Application because the Exchange's server does not receive a Heartbeat message for a certain time period ("nn" seconds), the Exchange will automatically logoff the member's affected Client Application and automatically cancel all of the member's open quotes. Quotes will be cancelled across all Client Applications that are associated with the same Lead Market Maker or Market Maker (collectively "Market Maker") ID and underlying issues. See Options 3, Section 18(a).

<sup>15</sup> 15 U.S.C. 78f(b).

<sup>16</sup> 15 U.S.C. 78f(b)(5).

it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-Phlx-2021-51 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to File Number SR-Phlx-2021-51. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2021-51 and should be submitted on or before October 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>19</sup>

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021-20447 Filed 9-21-21; 8:45 am]

**BILLING CODE 8011-01-P**

#### SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34-93024; File No. SR-PEARL-2021-35]**

#### **Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend Exchange Rule 2616, Priority of Orders**

September 16, 2021.

On July 20, 2021, MIAX PEARL, LLC ("Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to amend Exchange Rule 2616, Priority of Orders, to provide that an order will receive a new timestamp when its position is modified via a Cancel/Replace message during a Short Sale Period. The proposed rule change was published for comment in the **Federal Register** on August 6, 2021.<sup>3</sup> The Commission has not received any comment letters on the proposed rule change.

Section 19(b)(2) of the Act<sup>4</sup> provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is September 20, 2021.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate

to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, pursuant to Section 19(b)(2) of the Act,<sup>5</sup> the Commission designates November 4, 2021, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-PEARL-2021-35).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>6</sup>

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021-20451 Filed 9-21-21; 8:45 am]

**BILLING CODE 8011-01-P**

#### SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270-450, OMB Control No. 3235-0505]**

#### **Submission for OMB Review; Comment Request**

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

##### *Extension:*

Rule 303 of Regulation ATS

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the previously approved collection of information provided for in Rule 303 of Regulation ATS (17 CFR 242.303) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) ("Exchange Act").

Regulation ATS sets forth a regulatory regime for "alternative trading systems" ("ATSs"), which are entities that carry out exchange functions but are not required to register as national securities exchanges under the Act. In lieu of exchange registration, an ATS can instead opt to register with the Commission as a broker-dealer and, as a condition to not having to register as an exchange, must instead comply with Regulation ATS. Rule 303 of Regulation ATS (17 CFR 242.303) describes the record preservation requirements for ATSs. Rule 303 also describes how such

<sup>19</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 92545 (August 2, 2021), 86 FR 43279 (August 6, 2021).

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>5</sup> *Id.*

<sup>6</sup> 17 CFR 200.30-3(a)(31).

records must be maintained, what entities may perform this function, and how long records must be preserved. Under Rule 303, ATSs are required to preserve all records made pursuant to Rule 302, which includes information relating to subscribers, trading summaries, and time-sequenced order information. Rule 303 also requires ATSs to preserve any notices provided to subscribers, including, but not limited to, notices regarding the ATSs operations and subscriber access. For an ATS subject to the fair access requirements described in Rule 301(b)(5)(ii) of Regulation ATS, Rule 303 further requires the ATS to preserve at least one copy of its standards for access to trading, all documents relevant to the ATS's decision to grant, deny, or limit access to any person, and all other documents made or received by the ATS in the course of complying with Rule 301(b)(5) of Regulation ATS. For an ATS subject to the capacity, integrity, and security requirements for automated systems under Rule 301(b)(6) of Regulation ATS, Rule 303 requires an ATS to preserve all documents made or received by the ATS related to its compliance, including all correspondence, memoranda, papers, books, notices, accounts, reports, test scripts, test results and other similar records. Rule 303(a)(1)(v) of Regulation ATS requires every ATS to preserve the written safeguards and written procedures mandated under Rule 301(b)(10). As provided in Rule 303(a)(1), ATSs are required to keep all of these records, as applicable, for a period of at least three years, the first two in an easily accessible place. In addition, Rule 303 requires ATSs to preserve records of partnership articles, articles of incorporation or charter, minute books, stock certificate books, copies of reports filed pursuant to Rule 301(b)(2) and Rule 304, and records made pursuant to Rule 301(b)(5) for the life of the ATS. ATSs that trade both NMS Stock and securities other than NMS Stock are required to file, and also preserve under Rule 303, both Form ATS and related amendments and Form ATS-N and related amendments.

The information contained in the records required to be preserved by Rule 303 will be used by examiners and other representatives of the Commission, state securities regulatory authorities, and the self-regulatory organizations ("SROs") to ensure that ATSs are in compliance with Regulation ATS as well as other applicable rules and regulations. Without the data required by the Rule, regulators would be limited in their ability to comply with their statutory

obligations, provide for the protection of investors, and promote the maintenance of fair and orderly markets.

Respondents consist of ATSs that choose to register as broker-dealers and comply with the requirements of Regulation ATS. There are currently 94 respondents. The Commission believes that the average ongoing hourly burden for a respondent to comply with the baseline record preservation requirements under Rule 303 is approximately 15 hours per year. We thus estimate that the average aggregate ongoing burden to comply with the baseline Rule 303 record preservation requirements is approximately 1,410 hours per year. (94 ATSs  $\times$  15 hours = 1,410 hours) In addition, there are currently two ATSs that transact in both NMS stock and non-NMS stock on their ATSs. These two ATSs have a slightly greater burden because they have to keep both Form ATS and Form ATS-N and related documents (e.g., amendments). For these two ATSs, we estimate that the ongoing burden above the current baseline estimate for preserving records will be approximately 1 hour annually per ATS for a total annual burden above the current baseline burden estimate of 2 hours for all respondents. Thus, the estimated average annual aggregate burden for alternative trading systems to comply with Rule 303 is approximately 1,412 hours (1,410 hours + 2 hours).

Compliance with Rule 303 is mandatory. The information required by Rule 303 is available only for the examination of the Commission staff, state securities authorities and the SROs. Subject to the provisions of the Freedom of Information Act, 5 U.S.C. 522 ("FOIA"), and the Commission's rules thereunder (17 CFR 200.80(b)(4)(iii)), the Commission does not generally publish or make available information contained in any reports, summaries, analyses, letters, or memoranda arising out of, in anticipation of, or in connection with an examination or inspection of the books and records of any person or any other investigation.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: [www.reginfo.gov](http://www.reginfo.gov). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed

information collection should be sent within 30 days of publication of this notice to (i) [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain) and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: September 16, 2021.

**J. Matthew Delesdernier,**  
Assistant Secretary.

[FR Doc. 2021-20442 Filed 9-21-21; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93019; File No. SR-PEARL-2021-41]

### Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Pearl Options Fee Schedule With Respect to Open-Close Report Data

September 16, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on September 3, 2021, MIAX PEARL, LLC ("MIAX Pearl" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Pearl Options Fee Schedule (the "Fee Schedule") to provide historical Open-Close Report data for free by amending the fees for the Open-Close Report to: (i) Respond to ad hoc requests for end-of-day data free of charge; and (ii) provide mid-month subscribers data for the entire month in which they subscribe.

The text of the proposed rule change is available on the Exchange's website at <http://www.miaxoptions.com/rule-filings/pearl> at MIAX Pearl's principal office, and at the Commission's Public Reference Room.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

#### 1. Purpose

The Exchange recently adopted a new data product for options known as the Open-Close Report,<sup>3</sup> which the Exchange made available for purchase to Exchange Members<sup>4</sup> and non-Members on June 1, 2021.<sup>5</sup> The Open-Close Report is described under Exchange Rule 531(b)(1). The Exchange now proposes to provide historical Open-Close Report data for free by amending the fees for the Open-Close Report to: (i) Respond to ad hoc requests for end-of-day data free of charge; and (ii) provide mid-month subscribers data for the entire month in which they subscribe.

#### General

By way of background, the Exchange offers two versions of the Open-Close Report, an end-of-day summary and intra-day report.<sup>6</sup> The end-of-day version is a volume summary of trading

activity on the Exchange at the option level by origin (Priority Customer, Non-Priority Customer, Firm, Broker-Dealer, and Market Maker<sup>7</sup>), side of the market (buy or sell), contract volume, and transaction type (opening or closing). The customer and professional customer volume is further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed.

Members and non-Members may purchase the Open-Close Report on a monthly basis. The Exchange currently assess a monthly fee of \$600 per month for subscribing to the end-of-day summary Open-Close Report and \$2,000 per month for subscribing to the intra-day Open-Close Report. For mid-month subscriptions, new subscribers are currently charged for the full calendar month for which they subscribe and will be provided Open-Close Report data for each trading day of the calendar month from the day on which they subscribed.

#### End-of-Day Ad Hoc Request (Historical Data)

The Exchange now proposes to provide Members and Non-Members who request on an ad hoc basis historical end-of-day Open-Close Report data free of charge.<sup>8</sup> An ad hoc request may be for any number of months beginning with June 2021, the month in which the Exchange first made the Open-Close Report available. For example, as of the date of this filing, a market participant may request end-of-day Open-Close Report data for the month of June 2021 or July 2021, or may request such data for both June and July 2021 and would not be charged a fee for such request(s). The Exchange notes that other exchanges that provide similar data products allow for ad hoc requests of their end-of-day data for a fee<sup>9</sup> and,

like the Exchange proposes herein, allow for ad hoc requests back to a certain month.<sup>10</sup>

The Exchange also proposes to make the historical monthly data available fifteen (15) days after the end of the month for which it is requested. The Exchange proposes this delay because it is making historical end-of-day Open-Close Report data free of charge and seeks to not encourage subscribers to request historical end-of-day Open-Close Report data over a paid subscription.

#### Mid-Month Subscriptions

The Exchange also proposes to amend the data range of Open-Close Report data it provides to mid-month subscribers. As noted above, the Exchange currently charges new mid-month subscribers for the full calendar month for which they subscribe, but only provides Open-Close Report data for each trading day of the calendar month from the day on which they subscribed. The Exchange now proposes to provide new mid-month subscribers data for each trading day of the calendar month prior to the day on which they subscribe. In other words, those that subscribe mid-month will be provided Open-Close Data retroactively for each trading day of the month in which they subscribed and prospectively for each trading day for the remainder of that calendar month pursuant to either the end-of-day or intra-day subscription they chose. This is identical to how the Exchange provides data to mid-month subscribers of the Exchange's Liquidity Taker Event report.<sup>11</sup>

Close Trade Profile" and assesses \$400 for historical end-of-day data.

Cboe EDGX Exchange, Inc. ("EDGX") and Cboe BZX Exchange, Inc. ("BZX") both assess \$400 for historical end-of-day data per request per month. See the EDGX fee schedule available at [http://markets.cboe.com/us/options/membership/fee\\_schedule/edgx/](http://markets.cboe.com/us/options/membership/fee_schedule/edgx/) and the BZX fee schedule available at [http://markets.cboe.com/us/options/membership/fee\\_schedule/bzx/](http://markets.cboe.com/us/options/membership/fee_schedule/bzx/). Both EDGX and BZX allow for ad-hoc requests to be for any number of months beginning with January 2018 for which the data is available.

<sup>10</sup> Both EDGX and BZX allow for ad-hoc requests to be for any number of months beginning with January 2018 for which the data is available. See the EDGX fee schedule available at [http://markets.cboe.com/us/options/membership/fee\\_schedule/edgx/](http://markets.cboe.com/us/options/membership/fee_schedule/edgx/) and the BZX fee schedule available at [http://markets.cboe.com/us/options/membership/fee\\_schedule/bzx/](http://markets.cboe.com/us/options/membership/fee_schedule/bzx/).

<sup>11</sup> See the Exchange's fee schedule available at [https://www.miaxoptions.com/sites/default/files/fee\\_schedule-files/MIAX\\_Pearl\\_Options\\_Fee\\_Schedule\\_08122021.pdf](https://www.miaxoptions.com/sites/default/files/fee_schedule-files/MIAX_Pearl_Options_Fee_Schedule_08122021.pdf) (providing that "[n]ew subscribers will be charged for the full calendar month for which they subscribe and will be provided Liquidity Taker Event Report data for each trading day of the calendar month prior to the day on which they subscribed.").

<sup>3</sup> See Securities Exchange Act Release No. 91964 (May 21, 2021), 86 FR 28667 (May 27, 2021) (SR-PEARL-2021-24) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Adopt a New Historical Market Data Product To Be Known as the Open-Close Report).

<sup>4</sup> The term "Member" means an individual or organization that is registered with the Exchange pursuant to Chapter II of these Rules for purposes of trading on the Exchange as an "Electronic Exchange Member" or "Market Maker." Members are deemed "members" under the Exchange Act. See Exchange Rule 100.

<sup>5</sup> See Securities Exchange Act Release No. 92137 (June 9, 2021), 86 FR 31748 (June 15, 2021) (SR-PEARL-2021-26) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAx Pearl Options Fee Schedule To Adopt Fees for the Open-Close Report).

<sup>6</sup> The intraday Open-Close Report provides similar information to that of Open-Close Data but will be produced and updated every 10 minutes during the trading day. Data is captured in "snapshots" taken every 10 minutes throughout the trading day and is available to subscribers within five minutes of the conclusion of each 10-minute period.

<sup>7</sup> See Exchange Rule 100.

<sup>8</sup> The Exchange does not propose to allow for ad hoc requests for intra-day Open-Close Report data.

<sup>9</sup> See Price List—U.S. Derivatives Data for Nasdaq PHLX, LLC ("PHLX"), The Nasdaq Stock Market, LLC ("Nasdaq"), Nasdaq ISE, LLC ("ISE"), and Nasdaq GEMX, LLC ("GEMX"), available at [http://www.nasdaqtrader.com/Trader.aspx?id=DP\\_PriceListOptions#web](http://www.nasdaqtrader.com/Trader.aspx?id=DP_PriceListOptions#web). Particularly, PHLX offers "Nasdaq PHLX Options Trade Outline (PHOTO)" and assesses \$400 for historical end-of-day data; Nasdaq offers the "Nasdaq Options Trade Outline (NOTO)" and assesses \$250 for historical end-of-day data; ISE offers the "Nasdaq ISE Open/Close Trade Profile" and assesses \$600 per month for historical end-of-day data and \$27,500 for complete history; and GEMX offers the "Nasdaq GEMX Open/



## Implementation Date

The Exchange intends to provide historical Open-Close Report data for free pursuant this proposal immediately.

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,<sup>12</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>13</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes that its proposed changes to its Fee Schedule concerning fees for the Open-Close Report is consistent with Section 6(b) of the Act<sup>14</sup> in general, and furthers the objectives of Section 6(b)(4) of the Act<sup>15</sup> in particular, in that it is an equitable allocation of dues, fees and other charges among its members and other recipients of Exchange data.

In adopting Regulation NMS, the Commission granted self-regulatory organizations ("SROs") and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. Particularly, the Open-Close Report further broadens the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The data product also promotes increased transparency through the dissemination of the Open-Close Report. Particularly, information regarding opening and closing activity across different option series during the trading day may indicate investor sentiment, which may allow market participants to make better informed trading decisions throughout the day. Subscribers to the data may also be able to enhance their ability to analyze option trade and volume data and create and test trading models and analytical strategies. The Exchange believes the Open-Close Report provides a valuable tool that subscribers can use to gain comprehensive insight into the trading

activity in a particular series, but also emphasizes such data is not necessary for trading. Moreover, other exchanges offer a similar data product.<sup>16</sup> This proposal simply and solely seeks to provide historical Open-Close Report data to market participants for free by amending the fees for the Open-Close Report to: (i) Respond to ad hoc requests for end-of-day data free of charge; and (ii) provide mid-month subscribers data for the entire month in which they subscribe.

The Exchange operates in a highly competitive environment. Indeed, there are currently 16 registered options exchanges that trade options. Based on publicly available information, no single options exchange has more than 15% of the market share and currently the Exchange represents only approximately 3.57% of the market share.<sup>17</sup> The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."<sup>18</sup> Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supra-competitive fees. In the event that a market participant views one exchange's data product as more or less attractive than the competition they can and do switch between similar products. The proposed fees are a result of the competitive environment, as the Exchange seeks to adopt fees to attract purchasers of the recently introduced Open-Close Data product.

The Exchange believes its proposal to provide Open-Close data in response to ad hoc request for end-of-day data free of charge is reasonable as the proposed rate is lower than the fees assessed by other exchanges that provide data in response to ad hoc request for their similar data products.<sup>19</sup> In fact, the Exchange understands that no other exchange provides such data free of

charge.<sup>20</sup> Indeed, proposing fees that are excessively higher than established fees for similar data products would simply serve to reduce demand for the Exchange's data product, which as noted, is entirely optional. Like the Exchange's Open-Close Report, other exchanges offer similar data products that each provide insight into trading on those markets and may likewise aid in assessing investor sentiment. Although each of these similar Open-Close data products provide only proprietary trade data and not trade data from other exchanges, it is possible investors are still able to gauge overall investor sentiment across different option series based on open and closing interest on any one exchange.<sup>21</sup> Similarly, market participants may be able to analyze option trade and volume data, and create and test trading models and analytical strategies using only Open-Close data relating to trading activity on one or more of the other markets that provide similar data products. As such, if a market participant views another exchange's Open-Close data as more attractive than its proposed Open-Close Report, then such market participant can merely choose not to subscribe to the Exchange's Open-Close Report and instead purchase another exchange's Open-Close data product, which offer similar data points, albeit based on that other market's trading activity.

The Exchange also believes its proposal to amend the fees for the Open-Close Report to: (i) Provide historical end-of-day data free of charge and (ii) provide mid-month subscribers data for the entire month in which they subscribe, is reasonable as it would further support its recent introduction of the Open-Close Report, which is designed to aid investors by providing insight into trading on the Exchange. Providing market data, such as the Open-Close Report, is also a means by which exchanges compete to attract business. Subscribers that receive end-of-day Open-Close data for free in response to an ad hoc request may use such data to evaluate the usefulness of the Exchange's Open-Close Report and decide, based on that data, whether to subscribe to the Open-Close Report on a monthly basis. In addition, providing new mid-month subscribers data for the entire calendar month would further enhance the value of the Open-Close Report and encourage mid-month subscriptions market participants that seek to subscribe to the Open-Close

<sup>16</sup> See *supra* notes 9 and 10.

<sup>17</sup> See the Exchange's "The market at a glance", available at <https://www.miaxoptions.com/> (last visited September 1, 2021).

<sup>18</sup> See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

<sup>19</sup> See *supra* notes 9 and 10.

<sup>20</sup> See *supra* note 9.

<sup>21</sup> The exchange notes that its Open-Close Report data product does not include data on any exclusive, singly-listed option series.

<sup>12</sup> 15 U.S.C. 78f(b).

<sup>13</sup> 15 U.S.C. 78f(b)(5).

<sup>14</sup> 15 U.S.C. 78f(b).

<sup>15</sup> 15 U.S.C. 78f(b)(4).



Report not having to wait to the first of the next month to subscribe and receive a full month of Open-Close Report Data for the current monthly fee. To the extent that the Exchange is successful in attracting subscribers for the Open-Close Report through this proposal, it may earn trading revenues and further enhance the value of its data products. The Exchange also believes it proposal to make historical end-of-day Open-Close Report data on a delayed basis is a reasonable means to not encourage subscribers to request historical end-of-day Open-Close Report data over a paid subscription. If the market deems the proposal to be unfair or inequitable, firms can diminish or discontinue their use of the data and/or avail themselves of similar products offered by other exchanges.<sup>22</sup> The Exchange therefore believes that its proposal reflects the competitive environment and would be properly assessed on Member or non-Member users. The Exchange also believes the proposal is equitable and not unfairly discriminatory as it would apply equally to all users who choose to purchase or receive such data.

As noted above, a wide variety of market participants to subscribe to the Open-Close Report, including but not limited to individual customers, buy-side investors and investment banks. The Exchange reiterates that the decision as to whether or not to subscribe to the Open-Close Report is entirely optional for all potential subscribers. Indeed, no market participant is required to subscribe to the Open-Close Report, and the Exchange is not required to make the Open-Close Report available to all investors. Rather, the Exchange is voluntarily making additional Open-Close Report data available via ad hoc requests for end-of-day data and to mid-month subscribers under this proposal at the request of customers, and market participants may choose to receive this data based on their own business needs. Potential subscribers may choose to subscribe to or request the data at any time if they believe it to be valuable or may decline to subscribe such data.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposal will promote competition by permitting the Exchange to enhance the value of a data product that is similar to those offered

by other competitor options exchanges.<sup>23</sup> The Exchange made Open-Close Data available in order to keep pace with changes in the industry and evolving customer needs, and believes the data product will continue to contribute to robust competition among national securities exchanges. At least eight other U.S. options exchanges offer a market data product that is substantially similar to the Open-Close Report. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

Furthermore, the Exchange operates in a highly competitive environment, and its ability to price the Open-Close Report is constrained by competition among exchanges that offer similar data products to their customers. As discussed, there are currently a number of similar products available to market participants and investors. At least eight other U.S. options exchanges offer a market data product that is substantially similar to the Open-Close Report, which the Exchange must consider in its pricing discipline in order to compete for the market data.<sup>24</sup> For example, proposing fees that are excessively higher than established fees for similar data products would simply serve to reduce demand for the Exchange's data product, which as discussed, market participants are under no obligation to utilize. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange also does not believe the proposal would cause any unnecessary or in appropriate burden on intermarket competition as other exchanges are free to introduce their own comparable data product and lower their prices to better compete with the Exchange's offering. The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposal would apply uniformly to any market participant, in that it does not differentiate between subscribers to the Open-Close Report. The proposal is modest and would allow any interested Member or non-Member to subscribe to

or request such data based on their business needs.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,<sup>25</sup> and Rule 19b-4(f)(2)<sup>26</sup> thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-PEARL-2021-41 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to File Number SR-PEARL-2021-41. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule

<sup>23</sup> See *supra* note 9.

<sup>24</sup> See, e.g., Cboe Options Fees Schedule, Livevol Fees, Open-Close Data. See also Nasdaq ISE Options 7 Pricing Schedule, Section 10.A and Nasdaq PHLX Options 7 Pricing Schedule, Section 10, PHLX Options Trade Outline ("PHOTO").

<sup>25</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>26</sup> 17 CFR 240.19b-4(f)(2).

<sup>22</sup> See *supra* notes 9 and 10.

change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-PEARL-2021-41 and should be submitted on or before October 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>27</sup>

**J. Matthew DeLesDernier,**  
Assistant Secretary.

[FR Doc. 2021-20455 Filed 9-21-21; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93021; File No. SR-MIAX-2021-39]

### Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule With Respect to Open-Close Report Data

September 16, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on September 2, 2021, Miami International Securities Exchange, LLC ("MIAX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit

comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (the "Fee Schedule") to provide historical Open-Close Report data for free by amending the fees for the Open-Close Report to: (i) Respond to ad hoc requests for end-of-day data free of charge; and (ii) provide mid-month subscribers data for the entire month in which they subscribe.

The text of the proposed rule change is available on the Exchange's website at <http://www.miaxoptions.com/rule-filings>, at MIAX's principal office, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange recently adopted a new data product for options known as the Open-Close Report,<sup>3</sup> which the Exchange made available for purchase to Exchange Members<sup>4</sup> and Non-Members on June 1, 2021.<sup>5</sup> The Open-Close Report is described under

<sup>3</sup> See Securities Exchange Act Release No. 91965 (May 21, 2021), 86 FR 28665 (May 27, 2021) (SR-MIAX-2021-18) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Adopt a New Historical Market Data Product To Be Known as the Open-Close Report).

<sup>4</sup> The term "Member" means an individual or organization that is registered with the Exchange pursuant to Chapter II of these Rules for purposes of trading on the Exchange as an "Electronic Exchange Member" or "Market Maker." Members are deemed "members" under the Exchange Act. See Exchange Rule 100.

<sup>5</sup> See Securities Exchange Act Release No. 92135 (June 9, 2021), 86 FR 31751 (June 15, 2021) (SR-MIAX-2021-23) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Pearl [sic] Options Fee Schedule To Adopt Fees for the Open-Close Report).

Exchange Rule 531(b)(1). The Exchange now proposes to provide historical Open-Close Report data for free by amending the fees for the Open-Close Report to: (i) Respond to ad hoc requests for end-of-day data free of charge; and (ii) provide mid-month subscribers data for the entire month in which they subscribe.

#### General

By way of background, the Exchange offers two versions of the Open-Close Report, an end-of-day summary and intra-day report.<sup>6</sup> The end-of-day version is a volume summary of trading activity on the Exchange at the option level by origin (Priority Customer, Non-Priority Customer, Firm, Broker-Dealer, and Market Maker),<sup>7</sup> side of the market (buy or sell), contract volume, and transaction type (opening or closing). The customer and professional customer volume is further broken down into trade size buckets (less than 100 contracts, 100-199 contracts, greater than 199 contracts). The Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed.

Members and non-Members may purchase the Open-Close Report on a monthly basis. The Exchange currently assess a monthly fee of \$600 per month for subscribing to the end-of-day summary Open-Close Report and \$2,000 per month for subscribing to the intra-day Open-Close Report. For mid-month subscriptions, new subscribers are currently charged for the full calendar month for which they subscribe and will be provided Open-Close Report data for each trading day of the calendar month from the day on which they subscribed.

#### End-of-Day Ad Hoc Request (Historical Data)

The Exchange now proposes to provide Members and Non-Members who request on an ad hoc basis historical end-of-day Open-Close Report data free of charge.<sup>8</sup> An ad hoc request may be for any number of months beginning with June 2021, the month in which the Exchange first made the Open-Close Report available. For

<sup>6</sup> The intraday Open-Close Report provides similar information to that of Open-Close Data but will be produced and updated every 10 minutes during the trading day. Data is captured in "snapshots" taken every 10 minutes throughout the trading day and is available to subscribers within five minutes of the conclusion of each 10-minute period.

<sup>7</sup> See Exchange Rule 100.

<sup>8</sup> The Exchange does not propose to allow for ad hoc requests for intra-day Open-Close Report data.

<sup>27</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

example, as of the date of this filing, a market participant may request end-of-day Open-Close Report data for the month of June 2021 or July 2021, or may request such data for both June and July 2021 and would not be charged a fee for such request(s). The Exchange notes that other exchanges that provide similar data products allow for ad hoc requests of their end-of-day data for a fee<sup>9</sup> and, like the Exchange proposes herein, allow for ad hoc requests back to a certain month.<sup>10</sup>

The Exchange also proposes to make the historical monthly data available fifteen (15) days after the end of the month for which it is requested. The Exchange proposes this delay because it is making historical end-of-day Open-Close Report data free of charge and seeks to not encourage subscribers to request historical end-of-day Open-Close Report data over a paid subscription.

#### Mid-Month Subscriptions

The Exchange also proposes to amend the data range of Open-Close Report data it provides to mid-month subscribers. As noted above, the Exchange currently charges new mid-month subscribers for the full calendar month for which they subscribe, but only provides Open-Close Report data for each trading day of the calendar month from the day on which they subscribed. The Exchange now proposes to provide new mid-month subscribers data for each trading day of the calendar

month prior to the day on which they subscribe. In other words, those that subscribe mid-month will be provided Open-Close Data retroactively for each trading day of the month in which they subscribed and prospectively for each trading day for the remainder of that calendar month pursuant to either the end-of-day or intra-day subscription they chose. This is identical to how the Exchange provides data to mid-month subscribers of the Exchange's Liquidity Taker Event report.<sup>11</sup>

#### Implementation Date

The Exchange intends to provide historical Open-Close Report data for free pursuant to this proposal immediately.

#### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,<sup>12</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>13</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes that its proposed changes to its Fee Schedule concerning fees for the Open-Close Report is consistent with Section 6(b) of the Act<sup>14</sup> in general, and furthers the objectives of Section 6(b)(4) of the Act<sup>15</sup> in particular, in that it is an equitable allocation of dues, fees and other charges among its members and other recipients of Exchange data.

In adopting Regulation NMS, the Commission granted self-regulatory organizations ("SROs") and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. Particularly, the Open-

Close Report further broadens the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The data product also promotes increased transparency through the dissemination of the Open-Close Report. Particularly, information regarding opening and closing activity across different option series during the trading day may indicate investor sentiment, which may allow market participants to make better informed trading decisions throughout the day. Subscribers to the data may also be able to enhance their ability to analyze option trade and volume data and create and test trading models and analytical strategies. The Exchange believes the Open-Close Report provides a valuable tool that subscribers can use to gain comprehensive insight into the trading activity in a particular series, but also emphasizes such data is not necessary for trading. Moreover, other exchanges offer a similar data product.<sup>16</sup> This proposal simply and solely seeks to provide historical Open-Close Report data to market participants for free by amending the fees for the Open-Close Report to: (i) Respond to ad hoc requests for end-of-day data free of charge; and (ii) provide mid-month subscribers data for the entire month in which they subscribe.

The Exchange operates in a highly competitive environment. Indeed, there are currently 16 registered options exchanges that trade options. Based on publicly available information, no single options exchange has more than 15% of the market share and currently the Exchange represents only approximately 6.23% of the market share.<sup>17</sup> The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."<sup>18</sup> Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supra-competitive fees. In the

<sup>9</sup> See Price List—U.S. Derivatives Data for Nasdaq PHLX, LLC ("PHLX"), The Nasdaq Stock Market, LLC ("Nasdaq"), Nasdaq ISE, LLC ("ISE"), and Nasdaq GEMX, LLC ("GEMX"), available at <http://www.nasdaqtrader.com/Trader.aspx?id=DPPriceListOptions#web>. Particularly, PHLX offers "Nasdaq PHLX Options Trade Outline (PHOTO)" and assesses \$400 for historical end-of-day data; Nasdaq offers the "Nasdaq Options Trade Outline (NOTO)" and assesses \$250 for historical end-of-day data; ISE offers the "Nasdaq ISE Open/Close Trade Profile" and assesses \$600 per month for historical end-of-day data and \$27,500 for complete history; and GEMX offers the "Nasdaq GEMX Open/Close Trade Profile" and assesses \$400 for historical end-of-day data.

Cboe EDGX Exchange, Inc. ("EDGX") and Cboe BZX Exchange, Inc. ("BZX") both assess \$400 for historical end-of-day data per request per month. See the EDGX fee schedule available at [http://markets.cboe.com/us/options/membership/fee\\_schedule/edgx/](http://markets.cboe.com/us/options/membership/fee_schedule/edgx/) and the BZX fee schedule available at [http://markets.cboe.com/us/options/membership/fee\\_schedule/bzx/](http://markets.cboe.com/us/options/membership/fee_schedule/bzx/). Both EDGX and BZX allow for ad-hoc requests to be for any number of months beginning with January 2018 for which the data is available.

<sup>10</sup> Both EDGX and BZX allow for ad-hoc requests to be for any number of months beginning with January 2018 for which the data is available. See the EDGX fee schedule available at [http://markets.cboe.com/us/options/membership/fee\\_schedule/edgx/](http://markets.cboe.com/us/options/membership/fee_schedule/edgx/) and the BZX fee schedule available at [http://markets.cboe.com/us/options/membership/fee\\_schedule/bzx/](http://markets.cboe.com/us/options/membership/fee_schedule/bzx/).

<sup>11</sup> See the Exchange's fee schedule available at [https://www.miaxoptions.com/sites/default/files/fee\\_schedule-files/MAX\\_Pearl\\_Options\\_Fee\\_Schedule\\_08122021.pdf](https://www.miaxoptions.com/sites/default/files/fee_schedule-files/MAX_Pearl_Options_Fee_Schedule_08122021.pdf) [sic] (providing that "[n]ew subscribers will be charged for the full calendar month for which they subscribe and will be provided Liquidity Taker Event Report data for each trading day of the calendar month prior to the day on which they subscribed.").

<sup>12</sup> 15 U.S.C. 78f(b).

<sup>13</sup> 15 U.S.C. 78f(b)(5).

<sup>14</sup> 15 U.S.C. 78f(b).

<sup>15</sup> 15 U.S.C. 78f(b)(4).

<sup>16</sup> See *supra* notes 9 and 10.

<sup>17</sup> See the Exchange's "The market at a glance", available at <https://www.miaxoptions.com/> (last visited September 1, 2021).

<sup>18</sup> See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

event that a market participant views one exchange's data product as more or less attractive than the competition they can and do switch between similar products. The proposed fees are a result of the competitive environment, as the Exchange seeks to adopt fees to attract purchasers of the recently introduced Open-Close Data product.

The Exchange believes its proposal to provide Open-Close data in response to ad hoc request for end-of-day data free of charge is reasonable as the proposed rate is lower than the fees assessed by other exchanges that provide data in response to ad hoc request for their similar data products.<sup>19</sup> In fact, the Exchange understands that no other exchange provides such data free of charge.<sup>20</sup> Indeed, proposing fees that are excessively higher than established fees for similar data products would simply serve to reduce demand for the Exchange's data product, which as noted, is entirely optional. Like the Exchange's Open-Close Report, other exchanges offer similar data products that each provide insight into trading on those markets and may likewise aid in assessing investor sentiment. Although each of these similar Open-Close data products provide only proprietary trade data and not trade data from other exchanges, it is possible investors are still able to gauge overall investor sentiment across different option series based on open and closing interest on any one exchange.<sup>21</sup> Similarly, market participants may be able to analyze option trade and volume data, and create and test trading models and analytical strategies using only Open-Close data relating to trading activity on one or more of the other markets that provide similar data products. As such, if a market participant views another exchange's Open-Close data as more attractive than its proposed Open-Close Report, then such market participant can merely choose not to subscribe to the Exchange's Open-Close Report and instead purchase another exchange's Open-Close data product, which offer similar data points, albeit based on that other market's trading activity.

The Exchange also believes its proposal to amend the fees for the Open-Close Report to: (i) Provide historical end-of-day data free of charge and (ii) provide mid-month subscribers data for the entire month in which they subscribe, is reasonable as it would further support its recent introduction

of the Open-Close Report, which is designed to aid investors by providing insight into trading on the Exchange. Providing market data, such as the Open-Close Report, is also a means by which exchanges compete to attract business. Subscribers that receive end-of-day Open-Close data for free in response to an ad hoc request may use such data to evaluate the usefulness of the Exchange's Open-Close Report and decide, based on that data, whether to subscribe to the Open-Close Report on a monthly basis. In addition, providing new mid-month subscribers data for the entire calendar month would further enhance the value of the Open-Close Report and encourage mid-month subscriptions market participants that seek to subscribe to the Open-Close Report not having to wait to the first of the next month to subscribe and receive a full month of Open-Close Report Data for the current monthly fee. To the extent that the Exchange is successful in attracting subscribers for the Open-Close Report through this proposal, it may earn trading revenues and further enhance the value of its data products. The Exchange also believes its proposal to make historical end-of-day Open-Close Report data on a delayed basis is a reasonable means to not encourage subscribers to request historical end-of-day Open-Close Report data over a paid subscription. If the market deems the proposal to be unfair or inequitable, firms can diminish or discontinue their use of the data and/or avail themselves of similar products offered by other exchanges.<sup>22</sup> The Exchange therefore believes that its proposal reflects the competitive environment and would be properly assessed on Member or non-Member users. The Exchange also believes the proposal is equitable and not unfairly discriminatory as it would apply equally to all users who choose to purchase or receive such data.

As noted above, a wide variety of market participants to subscribe to the Open-Close Report, including but not limited to individual customers, buy-side investors and investment banks. The Exchange reiterates that the decision as to whether or not to subscribe to the Open-Close Report is entirely optional for all potential subscribers. Indeed, no market participant is required to subscribe to the Open-Close Report, and the Exchange is not required to make the Open-Close Report available to all investors. Rather, the Exchange is voluntarily making additional Open-Close Report data available via ad hoc requests for end-of-day data and to mid-

month subscribers under this proposal at the request of customers, and market participants may choose to receive this data based on their own business needs. Potential subscribers may choose to subscribe to or request the data at any time if they believe it to be valuable or may decline to subscribe to such data.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposal will promote competition by permitting the Exchange to enhance the value of a data product that is similar to those offered by other competitor options exchanges.<sup>23</sup> The Exchange made Open-Close Data available in order to keep pace with changes in the industry and evolving customer needs, and believes the data product will continue to contribute to robust competition among national securities exchanges. At least eight other U.S. options exchanges offer a market data product that is substantially similar to the Open-Close Report. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

Furthermore, the Exchange operates in a highly competitive environment, and its ability to price the Open-Close Report is constrained by competition among exchanges that offer similar data products to their customers. As discussed, there are currently a number of similar products available to market participants and investors. At least eight other U.S. options exchanges offer a market data product that is substantially similar to the Open-Close Report, which the Exchange must consider in its pricing discipline in order to compete for the market data.<sup>24</sup> For example, proposing fees that are excessively higher than established fees for similar data products would simply serve to reduce demand for the Exchange's data product, which as discussed, market participants are under no obligation to utilize. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change

<sup>19</sup> See *supra* notes 9 and 10.

<sup>20</sup> See *supra* note 9.

<sup>21</sup> The exchange notes that its Open-Close Report data product does not include data on any exclusive, singly-listed option series.

<sup>22</sup> See *supra* notes 9 and 10.

<sup>23</sup> See *supra* note 9.

<sup>24</sup> See, e.g., Cboe Options Fees Schedule, Livevol Fees, Open-Close Data. See also Nasdaq ISE Options 7 Pricing Schedule, Section 10.A and Nasdaq PHLX Options 7 Pricing Schedule, Section 10, PHLX Options Trade Outline ("PHOTO").

permits fair competition among national securities exchanges.

The Exchange also does not believe the proposal would cause any unnecessary or in appropriate burden on intermarket competition as other exchanges are free to introduce their own comparable data product and lower their prices to better compete with the Exchange's offering. The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposal would apply uniformly to any market participant, in that it does not differentiate between subscribers to the Open-Close Report. The proposal is modest and would allow any interested Member or non-Member to subscribe to or request such data based on their business needs.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,<sup>25</sup> and Rule 19b-4(f)(2)<sup>26</sup> thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or

- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-MIAX-2021-39 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-MIAX-2021-39. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-MIAX-2021-39 and should be submitted on or before October 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>27</sup>

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021-20446 Filed 9-21-21; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 10983/September 17, 2021;  
Release No. 93048/September 17, 2021]

### Securities Act of 1933; Securities Exchange Act of 1934; Order Approving the Public Company Accounting Oversight Board Supplemental Budget for Calendar Year 2021

The Sarbanes-Oxley Act of 2002, as amended (the "Sarbanes-Oxley Act"),<sup>1</sup> established the Public Company Accounting Oversight Board ("PCAOB") to oversee the audits of companies that are subject to the securities laws, and related matters, in order to protect the interests of investors and further the public interest in the preparation of informative, accurate and independent audit reports. Section 982 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the "Dodd-Frank Act")<sup>2</sup> amended the Sarbanes-Oxley Act to provide the PCAOB with explicit authority to oversee auditors of broker-dealers registered with the Commission. The PCAOB is to accomplish these goals through registration of public accounting firms, standard setting, inspection, and disciplinary programs. The PCAOB is subject to the comprehensive oversight of the Securities and Exchange Commission (the "Commission").

Section 109(b) of the Sarbanes-Oxley Act directs the PCAOB to establish a budget for each fiscal year in accordance with the PCAOB's internal procedures, subject to approval by the Commission. Rule 190 of Regulation P facilitates the Commission's review and approval of PCAOB budgets and annual accounting support fees.<sup>3</sup> This budget rule provides, among other things, limits on the PCAOB's ability to incur expenses and obligations except as provided in the approved budget as well as the procedures for the submission of supplemental budgets when it is forecasted that the limits to incur expenses and obligations will be exceeded in a given year. The Commission previously determined that the PCAOB's 2021 budget of \$287.3 million was consistent with Section 109 of the Sarbanes-Oxley Act and accordingly, it approved the PCAOB's 2021 budget on December 16, 2020.<sup>4</sup>

During 2021, the PCAOB determined that expenses related to the engagement of outside counsel would cause its

<sup>1</sup> 15 U.S.C. 7201 *et seq.*

<sup>2</sup> Public Law 111-203, 124 Stat. 1376 (2010).

<sup>3</sup> 17 CFR 202.190.

<sup>4</sup> Release No. 33-10905 (December 16, 2020).

<sup>25</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>26</sup> 17 CFR 240.19b-4(f)(2).

<sup>27</sup> 17 CFR 200.30-3(a)(12).

Office of the General Counsel to spend amounts exceeding the previously approved program area budget for the year. As a result, on July 14, 2021 it submitted a supplemental budget to the SEC. The PCAOB's 2021 supplemental budget requests Commission approval to transfer \$3.4 million of FY 2021 funding from a certain program area in which all funds allocated are projected to not be spent in 2021 to the Office of the General Counsel to cover the projected excess costs related to the engagement of outside counsel. The supplemental budget does not request an increase to the PCAOB's previously approved 2021 budget of \$287.3 million.

The Commission directs the PCAOB to keep the Commission, through staff in its Office of the Chief Accountant, apprised each month of monthly legal expenses incurred and paid through the end of its fiscal year 2021. Separately, the Commission directs that the PCAOB implement policies and procedures to ensure additional funds will not be required for spending on outside counsel for the 2021 fiscal year beyond those approved in this Order. The Commission also directs the PCAOB to inform the Commission of all of the steps it will take to reduce its current and future reliance on outside counsel.

The Commission has determined that the PCAOB's 2021 supplemental budget is consistent with Section 109 of the Sarbanes-Oxley Act. Accordingly,

*It is ordered*, pursuant to Section 109 of the Sarbanes-Oxley Act, that the PCAOB supplemental budget for calendar year 2021 is approved.

By the Commission.

**Vanessa A. Countryman,**  
*Secretary.*

[FR Doc. 2021-20515 Filed 9-21-21; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93027; File No. SR-IEX-2021-11]

### Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Provide That a Reserve Order May Have (i) an Odd Lot Sized Display Quantity and (ii) an Optional Random Initial and Replenishment Display Quantity

September 16, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup>

notice is hereby given that on September 14, 2021, the Investors Exchange LLC ("IEX" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Act,<sup>3</sup> and Rule 19b-4 thereunder,<sup>4</sup> IEX is filing with the Commission a proposed rule change to provide that a reserve order may have (i) an odd lot sized display quantity and (ii) an optional random initial and replenishment display quantity. The Exchange has designated this rule change as "non-controversial" under Section 19(b)(3)(A) of the Act<sup>5</sup> and provided the Commission with the notice required by Rule 19b-4(f)(6) thereunder.<sup>6</sup>

The text of the proposed rule change is available at the Exchange's website at [www.iextrading.com](http://www.iextrading.com), at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The purpose of the proposed rule filing is to amend IEX Rule 11.190(b)(2) to provide that a reserve order<sup>7</sup> may

have (i) an odd lot<sup>8</sup> size display quantity and (ii) an optional random initial and replenishment display quantity. Specifically, as proposed, a reserve order may have an odd lot as well as a round or mixed lot initial and replenishment display quantity. In addition, as proposed, a Member<sup>9</sup> may attach an optional random replenishment instruction to any reserve order pursuant to which the reserve order's display quantity (both upon initial posting to the Order Book<sup>10</sup> and upon any subsequent replenishments) would be randomly determined by the System<sup>11</sup> within a replenishment range specified by the Member. In addition, IEX proposes to make conforming edits to IEX Rules 11.190(b)(2) and 11.220(a)(1)(C) reflecting the proposed changes to reserve order functionality.

The proposed changes are designed to increase displayed liquidity on the Exchange (potentially at prices better than the NBBO),<sup>12</sup> to the benefit of all market participants, by providing additional optionality to Members in the use of odd lot size reserve order displayed quantities, as well as helping to protect Members using reserve orders with random replenishment from potential information leakage.

##### Background

IEX, like other equities exchanges,<sup>13</sup> offers Members a "reserve" order type, which allows Members to submit a partially displayed limit order,<sup>14</sup> so that a portion of the order is displayed ("display quantity") and a portion of the order is non-displayed ("reserve quantity").<sup>15</sup> As set forth in IEX Rule 11.190(b)(2), when Users<sup>16</sup> submit a reserve order, they must specify the display quantity (which must be a round or mixed lot). Upon entry, the System attempts to execute a reserve order as a single order of its full, unexecuted size. If an incoming reserve order is not fully executed, it posts to the Order Book where it is effectively

<sup>8</sup> An odd lot order is generally any order of less than 100 shares (the size of a round lot order). See IEX Rule 11.180(a).

<sup>9</sup> See IEX Rule 1.160(s).

<sup>10</sup> See IEX Rule 1.160(p).

<sup>11</sup> See IEX Rule 1.160(nn).

<sup>12</sup> See IEX Rule 1.160(u).

<sup>13</sup> See, e.g., Cboe BZX Exchange, Inc. ("BZX") Rule 11.9(c)(1); MEMX, LLC ("MEMX") Rule 11.8(b)(4); The Nasdaq Stock Market LLC ("Nasdaq") Rule 4703(h); and New York Stock Exchange LLC Rule 7.31(d)(1).

<sup>14</sup> See IEX Rule 11.190(a)(1).

<sup>15</sup> See IEX Rule 11.190(b)(2).

<sup>16</sup> See IEX Rule 1.160(qq). The text of IEX Rule 11.190(b)(2) uses the term "User", so any direct references to the text of the rule will use the term "User." Otherwise, for purposes of this rule filing, the term "Member" will be used synonymously with the term "User."

<sup>3</sup> 15 U.S.C. 78s(b)(1).

<sup>4</sup> 17 CFR 240.19b-4.

<sup>5</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>6</sup> 17 CFR 240.19b-4.

<sup>7</sup> See IEX Rule 11.190(b)(2).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

treated as two discrete orders: The User instructed display quantity posts to the Order Book as a displayed order (“displayed portion”) and the reserve quantity posts to the Order Book as a non-displayed order (“non-displayed portion”). For the purposes of pricing reserve orders on the Order Book, displayed portions are treated as displayed orders and non-displayed portions are treated as non-displayed orders. As described in IEX Rule 11.190(h), it is possible for the non-displayed portion to rest at a different price than the displayed portion, because the displayed portion is subject to display-price sliding<sup>17</sup> while the non-displayed portion is subject to the Midpoint Price Constraint.<sup>18</sup> If the displayed portion of the reserve order is decremented such that less than one round lot would be displayed, the displayed portion of the reserve order shall be refreshed for either (i) the original displayed quantity, or (ii) the entire reserve quantity, if the total number of unexecuted shares in the order is smaller than the original Member instructed displayed quantity. Each time the displayed portion of the order is refreshed from the reserve quantity, that portion is prioritized behind other existing displayed orders; the priority of the non-displayed portion, however, is unchanged by the refresh process.

IEX recently implemented a rule change that provides for the option to display odd lot size orders, including allowing them to aggregate to form a protected quotation.<sup>19</sup> In connection with the implementation of displayed odd lot size orders, IEX modified its reserve order functionality to provide that if the display quantity of a reserve order decrements to less than a round lot (and there are not enough shares remaining in the reserve quantity to refresh the display quantity to more than a round lot), the display quantity retains its displayed status and its execution priority.<sup>20</sup>

#### Proposal

IEX proposes to amend IEX Rule 11.190(b)(2) to: (i) Allow reserve orders to be submitted with an odd lot sized display portion; and (ii) allow Members to elect that the initial and replenishment display quantity for the reserve order will be randomly determined by the System within a range specified by the Member. As

described below, IEX believes this proposal, which combines order types and functionality previously considered by the Commission, will encourage the posting of more displayed liquidity on the Exchange in a manner that benefits all market participants.

#### 1. Odd Lot Display Quantity Reserve Orders

IEX proposes to modify its reserve order type to allow Members to submit a reserve order with an odd lot size display quantity, in addition to the current functionality which allows Members to submit a reserve order with either a round or mixed lot size display quantity.

As proposed, odd lot size display quantity reserve orders (“Displayed Odd Lot Reserve orders”) would function much like a round or mixed lot size display quantity reserve order, except that the display quantity would only replenish from the reserve quantity when the displayed portion of the order is decremented to zero shares, as opposed to round and mixed lot size display quantity reserve orders, which would continue to replenish the display quantity whenever they decrement to less than a round lot. IEX believes that replenishing a Displayed Odd Lot Reserve order only when the display quantity has been fully exhausted is the most reasonable and workable approach. As a threshold matter, the display quantity of a Displayed Odd Lot Reserve order by definition will always be less than a round lot and will vary based on the Member instructed displayed quantity and can be as low as one share. Therefore, the trigger for replenishment cannot be a quantity that is the same for all orders unless it is when the displayed quantity decrements to zero.

IEX notes that it also considered having Displayed Odd Lot Reserve orders replenish anytime one or more share of the displayed portion was executed, but decided against it for the following reasons. First, as a practical matter, Displayed Odd Lot Reserve orders will be far less useful to Members if any partial executions of the display portion trigger a replenishment, resulting in the display portion receiving a new time stamp and being prioritized behind all other existing displayed orders at that price. Second, as discussed below, a Displayed Odd Lot Reserve order would be eligible for optional random replenishment, which means the next time the display quantity of the order replenishes, it could be randomly set at a value lower than the prior display quantity, and IEX seeks to avoid this confusing and

illogical outcome. Third, IEX believes that having a Displayed Odd Lot Reserve Order replenish any time there is a partial execution of the displayed portion of the order could increase the likelihood of adverse selection through information leakage of the presence of a larger non-displayed reserve portion of the order. IEX notes that the Commission made the same determination when it approved a 2018 rule filing by the New York Stock Exchange LLC (“NYSE”) that changed NYSE’s reserve order replenishment trigger from replenishing after any execution of a portion of the displayed quantity to only replenishing when the display quantity decrements to less than a round lot.<sup>21</sup> Based on informal discussions with Members, IEX believes that the proposed approach would lead to increased use of Displayed Odd Lot Reserve orders compared to other approaches, as discussed above. IEX also notes that this proposed approach to Displayed Odd Lot Reserve order replenishment mirrors the functionality of options exchanges with reserve order types that display in odd lot quantities that replenish their display quantity only when it is fully exhausted.<sup>22</sup>

IEX believes that providing for Displayed Odd Lot Reserve orders will incentivize the posting of more displayed liquidity on IEX, and the corresponding opportunity for market participants to interact with displayed liquidity. In this regard, IEX believes that the increasing prevalence of high-priced securities (including many securities that trade for more than \$1,000 per share)<sup>23</sup> makes quoting in round lot multiples inaccessible to some market participants. As the Commission recently noted, “a significant proportion of quotation and trading activity occurs in odd-lots, particularly for frequently traded, high priced stocks.”<sup>24</sup> The Commission also noted that “frequently traded, high priced securities were more likely to have executions occur in odd-lot sizes (about 34% of the share volume of the 50 securities with the highest

<sup>21</sup> See Securities Exchange Act Release No. 83768 (August 3, 2018), 83 FR 39488 (August 9, 2018). The fact that, until 2018, NYSE triggered replenishment with any partial execution of the display portion of a reserve order shows that only replenishing a reserve order when it decrements to less than a round lot is not the only Commission-approved replenishment trigger.

<sup>22</sup> See BZX Rule 21.1(d)(1); Cboe EDGX Exchange, Inc. (“EDGX”) Rule 21.1(d)(1).

<sup>23</sup> As of July 2021, there are 21 securities trading for \$1,000 per share or more, and an additional 38 securities trading between \$500 and \$999.99 per share.

<sup>24</sup> See Securities Exchange Act Release No. 90610 (December 9, 2020), 86 FR 18596, 18616 n. 240 (April 9, 2021) (“Market Data Infrastructure Final Rule”).

<sup>17</sup> See IEX Rule 11.190(h)(1).

<sup>18</sup> See IEX Rule 11.190(h)(2).

<sup>19</sup> See Securities Exchange Act Release No. 90933 (January 15, 2021), 86 FR 6687 (January 22, 2021) (SR-IEX-2021-01).

<sup>20</sup> See *supra* note 19.



share prices) than lower priced securities (about 3.4% of the 50 securities with the lowest share prices).’’<sup>25</sup>

Furthermore, the Commission has noted that almost half of all on-exchange trades are odd lot sized, and about 40% of those odd lot trades occur at prices better than the NBBO.<sup>26</sup> Thus, allowing reserve orders to display odd lot quantities would both encourage the posting of more displayed liquidity on the Exchange, and offer more price improvement for high priced stocks that often trade in odd lot quantities at better prices than the NBBO.<sup>27</sup>

Additionally, based on informal discussions with IEX Members, the Exchange believes that use of reserve orders would increase in high priced securities if the displayed portion of the reserve order could be entered in an odd lot quantity.

IEX notes that its proposal for Displayed Odd Lot Reserve orders is not novel, in that all four of the Cboe equities exchanges allow a reserve order to be submitted with a user instructed display quantity of less than one round lot.<sup>28</sup> Additionally, BZX’s and EDGX’s options exchanges offer displayed odd lot reserve orders that replenish in the same manner as the current proposal—when the displayed portion of the odd lot reserve order is fully executed, the order is replenished from the reserve quantity.<sup>29</sup>

## 2. Random Replenishment

IEX proposes to offer Members the option to elect that the initial and each replenishment display quantity for the reserve order will be randomly determined by the System within a range specified by the Member. IEX proposes to add the defined term of “Max Floor” to IEX Rule 11.190(b)(2), to specify the base display quantity for all reserve orders. As proposed, a Member can submit a reserve order with a Max Floor in an odd lot quantity, as well as

in a quantity equal to or greater than a round lot as provided for under current rules. Further, IEX proposes that if the reserve order’s Max Floor is either an odd lot or a round lot multiple, the Member may include an instruction that the reserve order’s display quantity be randomly replenished (as discussed below, random replenishment would not be available to reserve orders with a Max Floor of either a single round lot or a mixed lot).

As proposed, Members may attach an optional random replenishment instruction (the “Display Range”) to any reserve order with a Max Floor of either an odd lot or a round lot multiple. If the Member includes a Display Range with a reserve order, the reserve order’s display quantities (both upon initial posting and upon any subsequent replenishments) would be randomly determined by the System within a replenishment range specified by the Member. Specifically, the Member would specify a Display Range and a Max Floor. The System would then randomly select the number of shares it will use to replenish the display quantity in the following ways (depending upon the Max Floor of the Order):

- If the reserve order’s Max Floor equals a round lot multiple, the Member would select a Display Range in a round lot or multiple thereof that is less than the Max Floor. The System would then use the Max Floor and Display Range to determine the initial and replenishment displayed quantity each time the order is subject to replenishment by randomly selecting a round lot number of shares that is between the Max Floor minus the Display Range and the Max Floor plus the Display Range.

- If the reserve order’s Max Floor is less than one round lot, the Member would select a Display Range of one or more shares that is less than the Max Floor. The System would then use the Max Floor and Display Range to determine the initial and replenishment displayed quantity each time the order is subject to replenishment by randomly selecting a number of shares that is between the Max Floor minus the Display Range and the Max Floor plus the Display Range (provided that if the Max Floor plus the Display Range equals a round lot or greater, the high end of the Display Range will be one share less than a round lot).<sup>30</sup>

As proposed, Members could still elect to have their reserve orders employ the current, fixed replenishment, functionality. In order to use fixed replenishment, a Member would submit a reserve order with a Max Floor, but without a Display Range. With fixed replenishment, the display quantity will be equal to the Max Floor both when the order first posts to the Order Book and any time the display quantity is replenished from the reserve (*i.e.*, when the display quantity is decremented to zero shares if the Max Floor is less than one round lot, or any time the display quantity decrements to less than one round lot if the Max Floor is greater than or equal to a round lot).

Random replenishment for reserve orders is an optional additional tool to assist Members in achieving the general goal of reserve orders, which is to display less than the full size of the order to avoid leaking information regarding the presence of a large resting reserve order.<sup>31</sup> Because random replenishment results in the display quantity of a Reserve order varying with each replenishment, this functionality will further reduce the ability of other market participants to detect that such order is in fact a reserve order with a potentially large non-displayed reserve portion.

IEX is not proposing to offer random replenishment for reserve orders with a Max Floor of a single round lot because the random replenishment functionality would not work with a Max Floor of one round lot. Specifically, as noted above, when a Member selects random replenishment for a reserve order, the Member must submit the order with a Display Range that is less than the Max Floor. Thus, if a reserve order’s Max Floor is one round lot, the Display Range must be zero, so the reserve order will always replenish using only the Max Floor, rendering random replenishment inoperable. Therefore, reserve orders with a Max Floor equal to one round lot will only be able to use the current fixed replenishment functionality.

Additionally, IEX is not proposing to offer random replenishment for reserve orders with a Max Floor that is a mixed lot because implementation would involve technical complexity. From informal discussions with Members, IEX determined there was little interest in having the option of random replenishment for a displayed mixed lot

<sup>25</sup> See *supra* note 24.

<sup>26</sup> See *supra* note 24.

<sup>27</sup> Displayed odd lot orders do not update the NBBO unless aggregated to form a round lot size quotation, and thus can be priced better than the NBBO.

<sup>28</sup> See BZX Rule 11.9(c)(1); Cboe BYX Exchange, Inc. (“BYX”) Rule 11.9(c)(1); Cboe EDGA Exchange, Inc. (“EDGA”) Rule 11.6(m); EDGX Rule 11.6(m); see also Cboe US Equities FIX Specification (Version 2.9.2) avail. at [http://cdn.cboe.com/resources/membership/Cboe\\_US\\_Equities\\_FIX\\_Specification.pdf](http://cdn.cboe.com/resources/membership/Cboe_US_Equities_FIX_Specification.pdf) (setting no minimum value for the user instructed display quantity for reserve orders). IEX notes that the Cboe equity exchange rules clearly allow for the entry of an odd lot size display quantity, but are unclear as to how much the display quantity must decrement before it replenishes to its initial display quantity.

<sup>29</sup> See *supra* note 22.

<sup>30</sup> Because random replenishment would not be available for mixed lot display quantity reserve orders, the maximum value for the random replenishment range of a Displayed Odd Lot Reserve order must be one share less than a round lot. Therefore, if a Member submitted a Displayed Odd Lot Reserve order with a Max Floor of 95 and

a Display Range of 10, the System would randomly select a replenishment value between 85 and 99.

<sup>31</sup> Identification of a large resting non-displayed order on an exchange can provide information regarding buy or sell interest resulting in market moving trading adverse to the resting order.



reserve order. Thus, IEX believes that offering only fixed replenishment for displayed mixed lot reserve orders strikes the right balance of offering enhanced reserve order functionality to Members without introducing unnecessary technical complexity to its reserve order functionality.

IEX notes that the proposed random replenishment functionality for reserve orders with a Max Floor that is a round lot multiple is substantially similar to that of several other equity exchanges that offer random replenishment for reserve orders.<sup>32</sup> And as described above, the proposed new random replenishment functionality for reserve orders with a Max Floor that is less than a round lot is substantially similar to the functionality used by options exchanges that offer displayed odd lot reserve orders with random replenishment.<sup>33</sup>

The following examples demonstrate the proposed odd lot fixed and random replenishment functionality:

**Example 1: Displayed Odd Lot Reserve Order With Fixed Replenishment**

- Member submits a reserve order to buy 200 shares of XYZ with a Max Floor of 20 and no Display Range.
- The order does not execute upon entry and posts to the Order Book with a display quantity of 20 shares and a reserve quantity of 180 shares.
- An inbound order to sell 10 shares of XYZ is entered into the System and executes against 10 shares of the displayed quantity. The reserve order has a displayed portion of 10 shares and a reserve quantity of 180 shares. Because the displayed portion did not decrement to zero shares, it does not get replenished.
- A second inbound market order to sell 10 shares of XYZ is entered into the System and executes against the remaining displayed quantity, decrementing it zero shares.
- The System replenishes the display quantity to 20 shares (the Max Floor), leaving a reserve quantity of 160 shares.

**Example 2: Displayed Round Lot Multiple Reserve Order With Random Replenishment**

- Member submits a reserve order to buy 2000 shares of XYZ with a Max Floor of 400 and a Display Range of 200.

- The order does not execute on entry, and the System uses the Max Floor and the Display Range to generate a replenishment range of either 200, 300, 400, 500, or 600 shares from which the System will randomly select the initial replenishment quantity. The System randomly selects 300 as the initial replenishment quantity, meaning the reserve order's initial display quantity will be 300 shares, with a reserve quantity of 1,700 shares.

- An incoming order to sell 250 shares matches with the resting reserve order's display quantity, leaving 50 shares in the display quantity (and 1,700 in the reserve quantity).

- Because the Max Floor is at least one round lot, the reserve order replenishes when the display quantity decrements to less than one round lot, so the System again randomly selects a replenishment quantity from the replenishment range of either 200, 300, 400, 500, or 600 shares. The System randomly selects 600 as the next replenishment quantity, meaning the display quantity will be replenished to 600 shares, with 550 shares decremented from the reserve quantity, which will now be 1,150 shares.

**Example 3: Displayed Odd Lot Reserve Order With Random Replenishment**

- Member submits a reserve order to buy 200 shares with a Max Floor of 50 and a Display Range of 3.

- The order does not execute on entry, and the System generates a replenishment range of either 47, 48, 49, 50, 51, 52, or 53 from which the System will randomly select the replenishment quantity. The System randomly selects 48 as the initial replenishment quantity, meaning the displayed quantity will be 48 shares, with the remaining 152 shares in the reserve quantity.

- An incoming order to sell 48 shares matches with the resting reserve order's displayed portion, leaving 0 shares in the display quantity (and 152 shares in the reserve quantity).

- Because the Max Floor is an odd lot, and the display quantity decremented to zero shares, the reserve order replenishes the display quantity, so the System again randomly selects a replenishment quantity from the replenishment range of either 47, 48, 49, 50, 51, 52, or 53 shares. The System randomly selects 53 as the next replenishment quantity, meaning the display quantity will be replenished to 53 shares, with 53 shares decremented from the reserve quantity, which will now be 99 shares.

IEX is also proposing to make the following conforming changes to IEX Rule 11.190(b)(2). First, IEX proposes to

delete current subparagraph (H), which describes how a displayed portion of a reserve order retains its displayed status and priority if it decrements to an odd lot, because it is rendered redundant by the introduction of displayed quantity odd lot reserve orders. Second, IEX proposes to renumber current subparagraphs (A) to (G) of the rule as subparagraphs (B) to (H) to incorporate the addition of new introductory subparagraph (A).<sup>34</sup> Third, IEX proposes to modify Supplementary Material .01 ("Reserve Orders") to clarify that displayed portions would be replenished based on the replenishment options in new IEX Rule 11.190(b)(2)(A). Finally, IEX proposes to modify IEX Rule 11.220(a)(C)(v) to change the term "refreshed" to "replenished" and to clarify that not all reserve orders replenish when the display portion decrements to less than one round lot, but rather pursuant to the conditions set forth in the proposed changes to IEX Rule 11.190(b)(2).

The following is a list of the specific proposed changes to IEX Rule 11.190(b)(2):

- Modify any references in the rule to a "refresh" of the display quantity to the more technically accurate term "replenish," which reflects the manner in which the System replenishes the displayed portion of a reserve order with shares taken from the non-displayed portion.

- Modify the second sentence of IEX Rule 11.190(b)(2) to add language stating that the display quantity "may be a fixed or random number of shares; and an odd, mixed, or round lot quantity," and delete the language stating that User provided display quantity "must be equal to or greater than a round lot; the System will reject a reserve order with a User instructed display quantity less than a round lot."

- Modify the fourth sentence of IEX Rule 11.190(b)(2) to add language specifying that the User instructed display quantity may be determined by "fixed or random replenishment."

- Add a new seventh sentence of IEX Rule 11.190(b)(2) stating that to enter a reserve order, a User must specify a base display quantity ("Max Floor") and may enter a replenishment value as described in subparagraph (A) of IEX Rule 11.190(b).

- Modify the eighth sentence of IEX Rule 11.190(b)(2) (formerly the seventh sentence) to add language clarifying that a reserve order with a Max Floor of a

<sup>32</sup> See BZX Rule 11.9(c)(1); EDGX Rule 11.6(m); MIAX PEARL LLC Rule 2614(c)(8)(A); MEMX Rule 11.6(k)(1)(A); Nasdaq Rule 4703(h).

<sup>33</sup> See *supra* note 22; see also Choe US Options FIX Specification (Version 2.7.37) avail. at [https://cdn.cboe.com/resources/membership/US\\_Options\\_FIX\\_Specification.pdf](https://cdn.cboe.com/resources/membership/US_Options_FIX_Specification.pdf) (random replenishment of an option reserve order requires a Display Range of one or more shares, which is the same functionality IEX is proposing for random replenishment of a Displayed Odd Lot Reserve order).

<sup>34</sup> Because IEX is proposing to delete subparagraph (H) of the rule, while adding a new subparagraph (A), subparagraph (I) will not need to be renumbered.

round lot or greater will continue to replenish its displayed portion when the displayed portion decrements to less than one round lot. Also modify the language about how a reserve order with a Max Floor replenishes by removing the language about how it always replenishes to the original displayed quantity and adding language stating that the reserve order will replenish its displayed portion pursuant to one of the replenishment processes set forth in the newly added subparagraph (A) of the rule.

- Add a new ninth sentence of IEX Rule 11.190(b)(2) stating that a reserve order with a Max Floor of less than one round lot (an odd lot), will replenish its displayed portion when the displayed portion is decremented to zero shares, and add language stating that the reserve order will replenish its displayed portion pursuant to one of the replenishment processes set forth in the newly added subparagraph (A) of the rule.

- Add to the end of the eleventh sentence of IEX Rule 11.190(b)(2) (formerly the ninth sentence) the language that a reserve order “has the following attributes:” set forth in the subsequent subparagraphs.

- Add new subsection (A) to IEX Rule 11.190(b)(2) (“Replenishment Options”) that reads: “The following replenishment options determine the size of the displayed quantity for any reserve order that does not fully execute on entry.

- Add new subsection (A)(i) to IEX Rule 11.190(b)(2) (“Random Replenishment”) that sets forth new the random replenishment functionality, as detailed in this filing.

- Add new subsection (A)(i)(a) to IEX Rule 11.190(b)(2) (“Random Replenishment”) that sets forth new the random replenishment functionality for reserve orders with a Max Floor equal to a round lot multiple, which is detailed in this filing.

- Add new subsection (A)(i)(b) to IEX Rule 11.190(b)(2) (“Random Replenishment”) that sets forth new the random replenishment functionality for reserve orders with a Max Floor equal to less than one round lot, which is detailed in this filing.

- Add new subsection (A)(ii) to IEX Rule 11.190(b)(2) (“Fixed Replenishment”) that sets forth retention of the current replenishment functionality for all orders for which random replenishment has not been selected, as detailed in this filing.

- Renumber current subparagraphs (A) to (G) of current IEX Rule 11.190(b)(2) to subparagraphs (B) to (H).

- Remove current subparagraph (H) of current IEX Rule 11.190(b)(2).

- Modify Supplementary Material .01 (“Reserve Orders”) as follows: (i) In the first sentence, add “on entry” after the words “if a reserve order is not fully executed” for clarity; (ii) in the same sentence, remove the words “for the User instructed” that describe the display quantity and replace them with the words “based on the replenishment options sets forth in paragraph (b)(2)(A) of this IEX Rule;” (iii) in the same sentence, add the word “quantity” after the words “non-displayed” for clarity and consistency (matching the earlier phrase “displayed quantity”).

- Modify IEX Rule 11.220(a)(C)(v) to change the term “refreshed” to “replenished” and to remove the words “after receiving an execution that decrements the displayed portion of a reserve order below one round lot pursuant to” and replace them with the words “as set forth in [IEX Rule 11.190(b)(2)]” to reflect that not all reserve orders replenish when the display portion decrements to less than one round lot, but rather pursuant to the conditions set forth in the proposed changes to IEX Rule 11.190(b)(2).

#### Implementation

The Exchange will implement the proposed rule change within 90 days of filing, subject to the 30-day operative delay, and provide at least ten (10) days’ notice to Members and market participants of the implementation timeline.

#### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,<sup>35</sup> in general, and furthers the objectives of Section 6(b)(5),<sup>36</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, the Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest because it is designed to provide more flexibility and opportunities for Members to add displayed liquidity to the Exchange. As noted in the Purpose section, the

proposed rule change is responsive to informal feedback from Members indicating that they prefer the optionality to use Displayed Odd Lot Reserve orders to post displayed liquidity, particularly for high-priced securities. Thus, IEX believes that the proposed rule change will attract additional displayed liquidity to the Exchange and, to the extent it is successful in doing so, will benefit all market participants, thereby supporting the purposes of the Act to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest. The Exchange also believes that, as discussed in the Purpose section, enabling the use of Displayed Odd Lot Reserve orders will enhance opportunities for price discovery and increase the overall displayed liquidity profile on the Exchange to the benefit of all market participants.

Additionally, IEX believes that having a Displayed Odd Lot Reserve order replenish its displayed portion when it decrements to zero shares is consistent with the Act, because, as discussed in the Purpose section, it is the most workable reasonable approach to protecting investors from information leakage and potential adverse selection in a manner responsive to Members’ feedback. Accordingly, IEX believes that this approach could incentivize the use of more reserve orders thereby increasing the availability of displayed liquidity over fully non-displayed orders. For all these reasons, IEX believes that replenishing Displayed Odd Lot Reserve orders when the displayed portion decrements to zero supports investor protection and the public interest.

Further, IEX believes that the addition of the random replenishment option for reserve orders is consistent with the Act as it is designed to help to achieve the general goal of reserve orders, which is to display less than the full size of the order to avoid leaking information about the presence of a large resting reserve order which can result in market movement adverse to the reserve order. Because random replenishment results in the display quantity of a reserve order varying with each replenishment, this functionality will further reduce the ability of other market participants to detect that such order is in fact a reserve order.

Furthermore, IEX believes it is consistent with the Act to offer only fixed replenishment for reserve orders with a Max Floor of a single round lot or a mixed lot for the reasons discussed

<sup>35</sup> 15 U.S.C. 78f(b).

<sup>36</sup> 15 U.S.C. 78f(b)(5).

in the Purpose section. IEX believes that the proposed approach provides a reasonable approach with appropriate optionality.

IEX also notes that, as discussed in the Purpose section, the proposed random replenishment functionality is consistent with the rules of several other equities<sup>37</sup> and options<sup>38</sup> exchanges and thus the Exchange does not believe that this aspect of the proposed rule change raises any new or novel issues not already considered by the Commission.

Finally, the Exchange believes that the proposed non-substantive conforming changes to IEX Rule 11.190(b)(2) (including the supplementary material) and IEX Rule 11.220(a)(1)(C) are consistent with the protection of investors and the public interest because they will have no impact on the functionality of reserve orders, but rather simply provide consistency and clarity to how reserve orders function, thereby reducing the potential for confusion of any market participants.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposal is designed to enhance IEX's competitiveness with other markets by enabling IEX to offer reserve order functionality substantially similar to that offered by several other equity exchanges. As discussed in the Purpose section, the proposal is designed to incentivize the entry of additional liquidity providing orders on IEX by offering Members the flexibility of using an odd lot display quantity as well as random replenishment of the displayed quantity of a reserve order as described in the Purpose and Statutory Basis sections. Thus, IEX believes that the proposed rule change will enhance its ability to compete with other exchanges that already offer this functionality and thereby attract more reserve orders to the Exchange, to the benefit of all market participants. Moreover, other exchanges may adopt similar functionality subject to the Commission rule filing process.

The Exchange also does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. All Members would be eligible to use a Displayed Odd Lot Reserve order, and all Members would be eligible to use random or fixed replenishment for their reserve orders in the same manner. Moreover, the proposal would provide potential benefits to all Members to the extent that there is more liquidity available on IEX as a result of increased use of reserve orders.

Further, the proposed conforming edits to IEX Rule 11.190(b)(2) (including the supplementary material) and Rule 11.220(a)(1)(C) are not designed to address any competitive issue, but rather to provide additional clarity in IEX's rulebook.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>39</sup> and Rule 19b-4(f)(6) thereunder.<sup>40</sup> Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>41</sup> and Rule 19b-4(f)(6)(iii) thereunder.<sup>42</sup>

At any time within 60 days of the filing of this proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the

public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-IEX-2021-11 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-IEX-2021-11. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the IEX's principal office and on its internet website at [www.iextrading.com](http://www.iextrading.com). All comments received will be posted without change. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only

<sup>37</sup> See *supra* note 32.

<sup>38</sup> See *supra* note 22.

<sup>39</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>40</sup> 17 CFR 240.19b-4(f)(6).

<sup>41</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>42</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

information that you wish to make available publicly. All submissions should refer to File Number SR-IEX-2021-11, and should be submitted on or before October 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>43</sup>

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021-20453 Filed 9-21-21; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93037; File No. SR-NYSE-2021-44]

### Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change To Amend Rules 7.31, 7.35, 7.35B, 7.35C, 98, and 104 Relating to the Closing Auction

September 16, 2021.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (“Act”)<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that, on September 3, 2021, New York Stock Exchange LLC (“NYSE” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rules 7.31 (Orders and Modifiers), 7.35 (General), 7.35B (DMM-Facilitated Closing Auctions), 7.35C (Exchange-Facilitated Auctions), 98 (Operation of a DMM Unit), and 104 (Dealings and Responsibilities of DMMs) relating to the Closing Auction. The proposed rule change is available on the Exchange’s website at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

##### A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange proposes to amend Rules 7.31 (Orders and Modifiers), 7.35 (General), 7.35B (DMM-Facilitated Closing Auctions), 7.35C (Exchange-Facilitated Auctions), 98 (Operation of a DMM Unit), and 104 (Dealings and Responsibilities of DMMs) relating to the Closing Auction.<sup>4</sup>

##### Overview of Current Closing Auction Process

The following rules currently describe the Closing Auction process on the Exchange: Rule 7.31 (identifying the order types eligible to participate in an Auction); Rule 7.35 (general rules and definitions applicable to Auctions); Rule 7.35B (describing the process for DMM-facilitated Closing Auctions); Rule 7.35C (describing the process for Exchange-facilitated Auctions); and Rule 104 (establishing DMM obligations with respect to Closing Auctions and trading leading into the Closing Auction).

The following interest is eligible to participate in a Closing Auction:

- Unexecuted buy and sell orders resting on the Exchange Book at the end of Core Trading Hours (including DMM Orders);<sup>5</sup>

<sup>4</sup> Capitalized terms used in connection with Auctions on the Exchange are defined in Rule 7.35(a).

<sup>5</sup> For purposes of Auctions, the term “DMM Interest” is defined in Rule 7.35(a)(9) to mean all buy and sell interest entered by a DMM unit in its assigned securities and includes the following: (i) “DMM Auction Liquidity,” which is non-displayed buy and sell interest that is designated for an Auction only (see Rule 7.35(a)(9)(A)); (ii) “DMM Orders,” which are orders, as defined under Rule 7.31, entered by a DMM unit (see Rule 7.35(a)(9)(B)); and (iii) “DMM After-Auction Orders,” which are orders entered by a DMM unit before either the Core Open Auction or Trading Halt Auction that do not participate in an Auction and are intended instead to maintain price continuity with reasonable depth following an Auction (see Rule 7.35(a)(9)(C)).

- Auction-Only Orders;<sup>6</sup> and
- DMM Auction Liquidity entered by the DMM in connection with facilitating the Closing Auction.<sup>7</sup>

Beginning 10 minutes before the scheduled end of Core Trading Hours, the Exchange begins disseminating through its proprietary data feed Closing Auction Imbalance Information that is calculated based on the interest eligible to participate in the Closing Auction.<sup>8</sup> The Closing Auction Imbalance Information includes the Continuous Book Clearing Price, which is the price at which all better-priced orders eligible to trade in the Closing Auction on the Side of the Imbalance can be traded.<sup>9</sup> The Closing Auction Imbalance Information also includes an Imbalance Reference Price, which is the Exchange Last Sale Price bound by the Exchange BBO.<sup>10</sup> Beginning five minutes before the end of Core Trading Hours, Closing D Orders are included in the Closing Auction Imbalance Information at their undisplayed discretionary price.<sup>11</sup> The Closing Auction Imbalance Information is updated at least every second, unless there is no change to the information, and is disseminated until the Closing

<sup>6</sup> Auction-Only Orders available for the Closing Auction are defined in Rule 7.31(c)(2)(A)–(D) as the Limit-on-Close Order (“LOC Order”), Market-on-Close Order (“MOC Order”), Closing D Order, and Closing Imbalance Offset Order (“Closing IO Order”).

<sup>7</sup> The Commission recently approved proposed changes to Rule 7.35B that provide that Floor Broker Interest is no longer eligible to participate in the Closing Auction. See Securities Exchange Act Release No. 92480 (July 23, 2021), 86 FR 40886 (July 29, 2021) (SR-NYSE-2020-95) (“Floor Broker Interest Approval Order”). The term “Floor Broker Interest” is defined in Rule 7.35(a)(10) to mean orders represented orally by a Floor broker at the point of sale.

In light of the Floor Broker Interest Approval Order, the Exchange is proposing conforming changes to Rule 7.35B(j)(2) and subparagraph (A)(iii) to that Rule. Specifically, Rule 7.35B(j)(2) provides that, to avoid closing price dislocation that may result from an order entered into Exchange systems or represented to a DMM orally at or near the end of Core Trading Hours, the Exchange may temporarily suspend the requirement to enter all order instructions by the end of Core Trading Hours. Because the Exchange has eliminated Floor Broker Interest at the close, the Exchange proposes to delete the phrase “or represented to a DMM orally” in Rule 7.35B(j)(2). For similar reasons, the Exchange proposes to delete the phrase “and Floor Broker Interest” in Rule 7.35B(j)(2)(A)(iii).

<sup>8</sup> See Rule 7.35B(e)(1)(A). DMM Orders, as defined in Rule 7.35(d)(9)(B), that have been entered by the DMM in advance of a Closing Auction are included in the Closing Auction Imbalance Information.

<sup>9</sup> See Rule 7.35(a)(4)(C). In the case of a buy Imbalance, the Continuous Book Clearing Price would be the highest potential Closing Auction Price and in the case of a sell Imbalance, the Continuous Book Clearing Price would be the lowest potential Closing Auction Price.

<sup>10</sup> See Rule 7.35B(e)(3).

<sup>11</sup> See Rule 7.35(b)(1)(C)(ii).

<sup>43</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

Auction begins.<sup>12</sup> In addition, if at the Closing Auction Imbalance Freeze Time<sup>13</sup> the Closing Imbalance<sup>14</sup> is 500 round lots or more, the Exchange will disseminate a Regulatory Closing Imbalance to both the securities information processor and proprietary data feeds.<sup>15</sup>

The Exchange begins accepting Auction-Only Orders for the Closing Auction at 6:30 a.m. Eastern Time and they can be entered and cancelled without restriction until 10 minutes before the scheduled end of Core Trading Hours. If a Regulatory Closing Imbalance has not been published, during the Closing Auction Imbalance Freeze the Exchange will reject all MOC and LOC Orders. If a Regulatory Closing Imbalance has been published, during the Closing Auction Imbalance Freeze the Exchange will accept MOC and LOC Orders opposite the Side of the Regulatory Closing Imbalance and will reject MOC and LOC Orders on the Side of the Imbalance.<sup>16</sup> In addition, from the beginning of the Closing Auction Imbalance Freeze until two minutes before the scheduled end of Core Trading Hours, MOC, LOC, and Closing IO Orders may be cancelled or reduced in size only to correct a Legitimate Error, and requests to cancel such orders in the last two minutes of trading will be rejected.<sup>17</sup> Closing D Orders can be entered or cancelled without restriction until 10 seconds before the scheduled close of trading, at which point, a request to either enter or cancel, cancel and replace, or modify a Closing D Order will be rejected.<sup>18</sup>

Pursuant to Rule 104(a)(3), Designated Market Makers ("DMM") have the responsibility to facilitate the close of trading for each of the securities in which the DMM is registered as required by Exchange rules, which may include supplying liquidity as needed. Rule 104(a)(3) further provides that DMMs and DMM unit algorithms have access to aggregate order information in order to comply with their requirement to facilitate the close of trading for each of the securities in which the DMM is registered. Accordingly, aggregate order information about all orders eligible to

participate in the Closing Auction, including the full quantity of Reserve Orders<sup>19</sup> and MOC and LOC Order quantities, are available to DMMs at each price point. This information is available at the point of sale to DMMs. In addition, it is made available to DMM unit algorithms in connection with the electronic message sent to a DMM unit algorithm to close an assigned security electronically, which is sent shortly after the end of Core Trading Hours.

Rule 7.35B specifies the process for DMM-facilitated Closing Auctions. Pursuant to Rule 7.35B(a), it is the responsibility of each DMM to ensure that registered securities close as soon after the end of Core Trading Hours as possible, while at the same time not unduly hasty, particularly when at a price disparity from the Exchange Last Sale Price.<sup>20</sup> As provided for in Rule 7.35B(a)(2), a DMM may enter or cancel DMM Interest after the end of Core Trading Hours in order to supply liquidity as needed to meet the DMM's obligation to facilitate the Closing Auction in a fair and orderly manner, and entry of DMM Interest after the end of Core Trading Hours is not subject to Limit Order Price Protection. Pursuant to Rule 7.35B(c), the DMM may effectuate a closing manually or electronically. Rule 7.35B(g) provides that the DMM is responsible for determining the Auction Price for a Closing Auction and that if there is an Imbalance of any size, the DMM must select an Auction Price at which all better-priced orders on the Side of the Imbalance can be satisfied.

Rule 7.35C specifies the process for Exchange-facilitated Auctions if a DMM cannot facilitate an Auction in one or more securities in which the DMM is registered. DMM Interest does not participate in an Exchange-facilitated Closing Auction trade.<sup>21</sup>

Proposed Amendments to Rules 7.31, 7.35, 7.35B, and 7.35C

The Exchange proposes to amend Rules 7.31, 7.35, and 7.35B to revise the

DMM-facilitated Closing Auction process. The proposed changes would modify how the Closing Auction Price would be determined and how DMMs would be able to participate in the Closing Auction, but would not change their Rule 104 obligation to facilitate the Closing Auction, including to supply liquidity as needed. The Exchange believes that the proposed changes would make the Closing Auction more transparent and deterministic, while still retaining the DMMs' unique obligation to facilitate the Closing Auction.

The Exchange also proposes to make conforming changes to Rule 7.35C to revise the orders eligible to participate in Exchange-facilitated Closing Auctions.

*Proposed Changes to Closing Auction Price.* The Exchange proposes to amend Rule 7.35B(g) to add explicit price parameters to the Closing Auction Price. As noted above, the DMM is responsible for determining a Closing Auction Price that is able to satisfy all better-priced orders on the Side of the Imbalance. This requirement would not change. The Exchange proposes to add that the Closing Auction Price determined by the DMM must also be at a price that is at or between the last-published Imbalance Reference Price and Continuous Book Clearing Price. Specifically, the Exchange proposes to amend Rule 7.35B(g) as follows (proposed changes italicized):

(g) *Determining an Auction Price.* The DMM is responsible for determining the Auction Price for a Closing Auction under this Rule. If there is an Imbalance of any size[,]

(1) The DMM must select an Auction Price at which all better-priced orders on the Side of the Imbalance can be satisfied; and

(2) *if the Side of the Imbalance is to buy (sell), the Auction Price must be at or above (below) the last-published Imbalance Reference Price and not above (below) the last-published non-zero Continuous Book Clearing Price.*

The Exchange believes that adding this proposed Closing Auction Price parameter is consistent with how the Closing Auction Price has been determined for the vast majority of Closing Auctions. For example, in the period January 1, 2021 to July 23, 2021, 96.5% of all Closing Auctions were priced at or between the last-published Imbalance Reference Price and Continuous Book Clearing Price. Similarly, during this same period, 94.9% of closing auction volume priced within these parameters. The Exchange further believes that this proposed change would eliminate any potential

<sup>12</sup> See Rule 7.35(c)(1) and (2).

<sup>13</sup> See Rule 7.35(a)(8) (defining the "Closing Auction Imbalance Freeze Time" to be 10 minutes before the scheduled end of Core Trading Hours).

<sup>14</sup> As defined in Rule 7.35(a)(4)(A)(ii), a "Closing Imbalance" means the Imbalance of MOC and LOC Orders to buy and MOC and LOC Orders to sell. That Rule further defines a "Regulatory Closing Imbalance" as a Closing Imbalance disseminated at or after the Closing Auction Imbalance Freeze Time.

<sup>15</sup> See Rule 7.35B(d)(1).

<sup>16</sup> See Rule 7.35B(f)(1)(A) and (B).

<sup>17</sup> See Rule 7.35B(f)(2)(A) and (B).

<sup>18</sup> See Rule 7.35B(f)(3).

<sup>19</sup> Reserve Orders, including the non-displayed reserve interest of such orders, are eligible to participate in the Closing Auction. See, e.g., Rule 7.35B(h)(2)(B) (describing the allocation ranking of at-priced orders ranked Priority 3—Non-Displayed Orders, which refers to the reserve interest of Reserve Orders).

<sup>20</sup> The term "Exchange Last Sale Price" is defined in Rule 7.35 to mean the most recent trade on the Exchange of a round lot or more in a security during Core Trading Hours on that trading day, and if none, the Official Closing Price from the prior trading day for that security.

<sup>21</sup> See Rule 7.35C(a)(1) ("If the Exchange facilitates an Auction, DMM Interest will not be eligible to participate if such Auction results in a trade, and will be eligible to participate if such Auction results in a quote.")

for a Closing Auction Price to be lower (higher) than the last-published Imbalance Reference Price in the case of a Buy (Sell) Imbalance. This proposed change would also promote transparency and determinism with respect to the Closing Auction because the Closing Auction Price would be required to be within a pre-determined range of prices that have been disseminated via the Closing Auction Imbalance Information and that cannot be changed after the end of Core Trading Hours.<sup>22</sup>

*Proposed Changes to How DMMs Would Participate in the Closing Auction.* The Exchange proposes to change how DMMs would be able to enter buy and sell interest to participate in the Closing Auction by limiting the circumstances of when a DMM could enter or cancel interest after the end of Core Trading Hours.

Currently, Rule 7.35B(a)(2) provides that a DMM may enter or cancel DMM Interest after the end of Core Trading Hours in order to supply liquidity as needed to meet the DMM's obligation to facilitate the Closing Auction in a fair and orderly manner. Consistent with this current Rule, the Exchange does not block a DMM from entering or cancelling DMM Interest after the end of Core Trading Hours. Instead, the DMM's determination of whether to enter or cancel DMM Interest after the end of Core Trading Hours is subject to the DMM's obligation to maintain a fair and orderly market, as specified in Rule 104.

The Exchange proposes to amend Rule 7.35B(a)(2) to provide that after the end of Core Trading Hours, a DMM may enter only DMM Auction Liquidity and only if such interest would offset any Unpaired Quantity at the Closing Auction Price. With this change, DMMs would be systematically restricted with respect to the side, price, and quantity of the DMM Auction Liquidity that they may enter after the end of Core Trading Hours. Because DMM Auction Liquidity would have priority over at-priced Yielding Orders (described in more detail below), the Exchange further proposes that offsetting at-priced Yielding Orders would not be included in the calculation of the Unpaired Quantity that a DMM may offset with DMM Auction Liquidity. With these proposed changes, a DMM could enter DMM Auction Liquidity after the end of Core Trading Hours only to close a

security at a price that is at or closer to the Imbalance Reference Price than the published Continuous Book Clearing Price.<sup>23</sup> The Exchange proposes to systematically enforce this new requirement and block any DMM buy and sell interest that does not meet these new requirements.

The Exchange proposes to cancel DMM Orders (*i.e.*, DMM buy and sell orders resting on the Exchange Book) at the end of Core Trading Hours because it also proposes that DMM Orders would not be eligible to participate in the Closing Auction.<sup>24</sup> Therefore DMM Orders would not be included in the Auction Imbalance Information for the Closing Auction. The Exchange also proposes to eliminate the ability of a DMM to cancel any DMM Interest after the end of Core Trading Hours. To effect these changes, the Exchange proposes to amend Rule 7.35B(a)(2) as follows (proposed additions italicized, proposed deletions bracketed):<sup>25</sup>

(2) *DMM Interest:* A DMM may enter [or cancel] DMM Auction Liquidity[Interest] after the end of Core Trading Hours [in order]only to [supply liquidity as needed to meet the DMM's obligation to facilitate the Closing Auction in a fair and orderly manner]offset any Unpaired Quantity at the Closing Auction Price. Offsetting at-priced Yielding Orders will not be included in the calculation of the Unpaired Quantity that a DMM may offset with DMM Auction Liquidity. The entry of DMM Auction Liquidity[Interest] after the end of Core Trading Hours will not be subject to Limit Order Price Protection. *DMM Orders will not be eligible to participate in the Closing Auction, will not be included in the Auction Imbalance Information for the Closing Auction,*

<sup>23</sup> For example, if there is an Imbalance to buy, the Imbalance Reference Price is \$10.00, and the Continuous Book Clearing Price is \$10.10, the DMM could enter DMM Auction Liquidity to sell only at prices ranging from \$10.10 to \$10.00 and only if there is Unpaired Quantity at such prices. If the DMM determines to close that security at \$10.03 and there is Unpaired Quantity to buy of 1,000 shares at that price (excluding at-priced offsetting Yielding Orders to sell), the DMM could enter DMM Auction Liquidity to sell up to only 1,000 shares.

<sup>24</sup> The Exchange also proposes to amend Rule 7.35B(j)(2)(A)(iii) to provide that DMM Orders would be rejected if entered after the end of Core Trading Hours (*i.e.*, during the "Solicitation Period") to offset an extreme order imbalance at or near the close.

<sup>25</sup> As a related change, because DMM Orders would no longer be either participating in the Closing Auction or included in the Closing Auction Imbalance information, the Exchange proposes to amend Rule 7.35(b)(1)(D) to specify that the references to DMM Interest and the Imbalance Reference Price in that Rule would be applicable only if DMM Interest would be included in the Core Open or Trading Halt Auction Imbalance Information.

*and will be cancelled at the end of Core Trading Hours.*

With this proposed change to Rule 7.35B(a)(2), DMMs would have fewer tools available to manage the risk of the DMM leading into the Closing Auction, particularly since their DMM Orders would automatically be cancelled before the Closing Auction and they would be systematically restricted with respect to the side, price, and quantity of DMM Auction Liquidity that they may enter after the end of Core Trading Hours. Yet, as required by their obligations in Rule 104, in connection with the Closing Auction, DMMs would still be required to contribute their own capital to supply liquidity as needed to assist in the maintenance of a fair and orderly market. In addition, DMMs would continue to have an obligation with respect to determining a Closing Auction Price that satisfies all better-priced orders on the Side of the Imbalance.

In recognition of both the continued obligations of DMMs with respect to the Closing Auction and their ongoing need to manage the risk of the DMM leading into the Closing Auction, the Exchange proposes to provide DMMs with different tools to participate in the Closing Auction. Specifically, the Exchange proposes to make the existing Closing D Order type available to DMMs. Currently, only Floor brokers may enter Closing D Orders. To enable DMMs to enter Closing D Orders, the Exchange proposes to amend Rule 7.31(c)(2)(C)(i) to provide that a Closing D Order may be entered only by a Floor broker or DMM. The Exchange proposes that Closing D Orders would function for DMMs in a similar manner as they currently function for Floor brokers, with the following differences:

*First*, the Exchange would not offer the Yielding Modifier to DMMs, and therefore a Closing D Order entered by the DMM could not include a Yielding Modifier.<sup>26</sup> Accordingly, the Exchange proposes to amend Rule 7.31(c)(2)(C)(iii) to add the clause "entered by a Floor broker" to make clear that adding a Yielding Modifier to a Closing D Order would be available only to Floor brokers.

*Second*, unlike Closing D Orders in NYSE-listed securities entered by a Floor broker, Closing D Orders entered by a DMM in NYSE-listed securities would not be able to participate in a

<sup>22</sup> The only circumstance when the Continuous Book Clearing Price could change after the end of Core Trading Hours would be if Rule 7.35B(j)(2)(A), described below, were invoked and the requirement to enter all order instructions by the end of Core Trading Hours were temporarily suspended for a security.

<sup>26</sup> The Yielding Modifier is not necessary for DMMs because their transactions on the Exchange are as a dealer acting in the capacity as a market maker, and therefore they are not subject to the trading prohibitions specified in Section 11(a) of the Act. 15 U.S.C. 78k(a)(1) and 15 U.S.C. 78k(a)(1)(i).

Core Open Auction or Trading Halt Auction.<sup>27</sup> As currently set forth in Rule 7.31(c)(2)(C)(ii), on arrival, a Closing D Order is processed as a Limit Order and may trade or route prior to the Closing Auction, which means that such orders are eligible to trade both in continuous trading and in Auctions prior to the Closing Auction. Because the purpose of providing Closing D Orders to DMMs is to provide them with a tool to participate in Closing Auctions, the Exchange does not believe that Closing D Orders entered by DMMs in NYSE-listed securities would need to participate in a Core Open Auction or Trading Halt Auction on the Exchange. To effect this proposed difference, the Exchange proposes to add the following text to Rule 7.31(c)(2)(C)(ii):

provided that a Closing D Order entered by a DMM in an NYSE-listed security will not be eligible to trade in a Core Open Auction or Trading Halt Auction. The Exchange will reject a Closing D Order that is sent by a DMM in an NYSE-listed security either before the Core Open Auction or during a trading halt or pause, provided that the Exchange will accept such orders beginning ten minutes before the scheduled end of Core Trading Hours even if the security remains halted or paused or never opened. The Exchange will cancel a Closing D Order entered by a DMM in an NYSE-listed security if the security is halted or paused earlier than 10 minutes before the scheduled end of Core Trading Hours.

The reason why the Exchange would accept, or not cancel, a Closing D Order entered by a DMM in the last ten minutes of trading is because, as provided for in Rule 7.35(d), the Exchange will not open or reopen a security that has not yet opened or is halted or paused and will not transition to continuous trading if such opening or reopening would be in the last ten minutes of trading before the end of Core Trading Hours. Instead, the Exchange will remain unopened, halted, or paused and will close the security as provided for in the Rule 7.35 Series. Because in these circumstances, the Exchange would proceed to a Closing Auction, the Exchange proposes to accept (or not cancel) Closing D Orders entered by DMMs in NYSE-listed securities during this ten-minute period, even if the security is in a halt state during that period.

<sup>27</sup> The Exchange does not propose this difference for Closing D Orders entered by DMMs in UTP Securities as such orders would be routed for participation in an opening or reopening auction on the primary listing market and DMMs would not have a unique role in those auctions. By contrast, because DMMs have a parity allocation in Core Open Auctions and Trading Halt Auctions, the Exchange believes it would simplify Exchange rules to provide that such orders would not participate in Exchange Core Open and Trading Halt Auctions.

Except for these differences, Closing D Orders entered by DMMs would function the same as they do for Floor brokers, including that:

- Entry of such orders can begin at 6:30 a.m. (Rule 7.34(a)(1)).
- Such orders can be entered in any securities trading on the Exchange, including a UTP Security,<sup>28</sup> and the DMM can provide instruction of whether a Closing D Order in a UTP Security would be routed to the primary listing market as either a MOC or LOC Order (Rule 7.31(c)(2)(iv)).
- Such orders would be included in the Closing Auction Imbalance Information at their undisplayed discretionary price beginning five minutes before the end of Core Trading Hours (Rule 7.35(b)(1)(C)(ii)).
- Beginning 10 seconds before the scheduled close of trading, a request to enter a Closing D Order in any security or to cancel, cancel and replace, or modify such order in an Auction-Eligible Security would be rejected (Rule 7.35B(f)(3)).

The Exchange further proposes to exclude Closing D Orders entered by a DMM from the definition of “DMM Orders” in Rule 7.35(a)(9)(B). With this change, the proposed reference to DMM Orders in the amendment to Rule 7.35B(a)(2) would not include Closing D Orders, and therefore, Closing D Orders entered by a DMM would not be cancelled at the end of Core Trading Hours. The Exchange also proposes a clarifying change to Rule 7.35(a)(9)(C) to provide that DMM After-Auction Orders means “DMM Orders,” and not just “orders.” With this change, the definition of DMM After-Auction Orders would similarly not include Closing D Orders entered by a DMM. The Exchange also proposes to delete the phrase “as defined under Rule 7.31” in Rule 7.35(a)(9)(C) as unnecessary because the defined term “DMM Orders” already references Rule 7.31.

The Exchange believes that providing DMMs with the ability to enter Closing D Orders in their assigned securities would provide them with a replacement mechanism both to supply liquidity as needed for the Closing Auction, as required by Rule 104(a)(3), and to manage the risk of the DMM leading into the Closing Auction, in a manner that is more transparent and deterministic than the current process. Specifically, the Exchange proposes that Closing D Orders entered by a DMM would be included in the Closing

<sup>28</sup> The term “UTP Security” is defined in Rule 1.1 to mean a security that is listed on a national securities exchange other than the Exchange and that trades on the Exchange pursuant to unlisted trading privileges.

Auction Imbalance Information at their undisplayed discretionary price beginning five minutes before the end of Core Trading Hours, which is when Closing D Orders entered by Floor brokers are included in the Closing Auction Imbalance Information.<sup>29</sup> With this change, Closing D Orders entered by DMMs would be reflected in the Closing Auction Imbalance Information, which is not the case for DMM Interest currently entered or cancelled after the end of Core Trading Hours. Market participants would be able to respond to any changes in the Closing Auction Imbalance Information that may result from Closing D Orders entered by DMMs by entering interest into the continuous order book or retaining the services of a Floor broker to enter Closing D Orders on their behalf.<sup>30</sup>

Moreover, because Closing D Orders entered by DMMs would function similarly to Closing D Orders entered by Floor brokers, and would not be permitted to be entered or cancelled in the last ten seconds of trading, the manner by which the Continuous Book Clearing Price would be determined would be the same as today and would not change in the last ten seconds due to the entry of a Closing D Order. In addition, because DMMs could not enter or cancel any new interest after the end of Core Trading Hours (other than offsetting interest), the potential range of Closing Auction Prices would no longer be able to be changed by a DMM after the end of Core Trading Hours.

The Exchange further believes that providing DMMs with the ability to enter Closing D Orders in all securities that trade on the Exchange, including UTP Securities, would generally support the maintenance of a fair and orderly market in securities traded on the Exchange by providing for a mechanism for DMMs to enter such orders directly. Currently, a DMM may choose to use a Floor broker to enter Closing D Orders in securities that have not been assigned to that DMM. The Exchange believes that allowing DMMs to enter Closing D Orders directly would reduce operational complexity and cost for DMMs, thereby creating an incentive for additional firms to register as a DMM. This proposed change would also make it easier for regulatory staff to monitor DMM trading activity on the Exchange.

The Exchange also believes that providing DMMs with the ability to

<sup>29</sup> See Rule 7.35(b)(1)(C)(ii).

<sup>30</sup> As today, the Closing Auction Imbalance Information would not identify the source of orders included in the Continuous Book Clearing Price, including whether an order is entered by a DMM, Floor broker, or other member organization.



enter Closing D Orders in all securities that trade on the Exchange would serve as an incentive for additional broker-dealers to register as a DMM on the Exchange. Currently, there are numerous costs associated with becoming a DMM. For example, before being approved to operate as a DMM, among other things, a firm must develop and implement DMM-specific technology designed to interface with Exchange systems consistent with the obligations under Rule 104 (*e.g.*, to maintain depth and continuity in assigned securities and to facilitate Auctions both manually and electronically); hire, train, and maintain staff on the Trading Floor; and develop and implement policies and procedures and surveillances designed to comply with DMM-specific rules (*e.g.*, Rules 36, 98, and 104).<sup>31</sup> The Exchange understands that in the past, to justify incurring such upfront costs, firms would not register as a DMM firm unless they had certainty that once they started operations as a DMM, they would have had a roster of listed securities allocated to the firm. In the past, this has been achieved by a new entrant acquiring an existing DMM firm, with the new firm being allocated the listed securities previously allocated to the acquired firm. In the absence of such opportunities, which would arise only if an existing firm seeks to exit the DMM business, the Exchange believes that providing potential new DMM entrants with additional opportunities to provide liquidity across all securities that trade on the Exchange may serve as an incentive for new entrants to undertake the costs to register as a DMM unit without a significant roster of allocated securities. The Exchange believes that additional DMMs would promote diversity of DMMs on the Exchange, providing greater choice to issuers when selecting the DMM that would be assigned to their securities.

*DMM Interest Allocation in the Closing Auction.* Because of the changes to what type of DMM interest would be eligible to participate in a Closing Auction, the Exchange proposes to change how much such DMM Interest would be allocated in a Closing Auction, as described in Rule 7.35B(h), as follows:

<sup>31</sup> Pursuant to Rule 98(c)(1), to operate a DMM unit, a member organization must obtain approval from the Exchange. To obtain approval, among other things, the DMM unit must maintain and enforce written policies and procedures consistent with Rule 98 requirements relating both to protecting material non-public information generally, and more specifically to protecting against the misuse of Floor-based non-public order information.

*First*, the Exchange proposes to amend Rule 7.35B(h)(1) to provide that better-priced Closing D Orders—whether entered by a Floor broker or a DMM—would be guaranteed to participate in the Closing Auction (subject to DMM allocation self-trade prevention, described below). The Exchange believes that because DMMs would be entering Closing D Orders before the end of Core Trading Hours and such interest would be included in the Closing Auction Imbalance Information, if they are better-priced orders, they should be included in the Closing Auction in the same manner that all other better-priced orders entered by other member organizations are allocated in the Closing Auction. The Exchange does not consider this a benefit for DMMs because all better-priced interest is guaranteed to participate in the Closing Auction.<sup>32</sup> Therefore, DMMs would not receive a different allocation opportunity from other participants for such better-priced Closing D Orders.

*Second*, the Exchange proposes to amend Rule 7.35B(h)(2)(A) to provide that at-priced Closing D Orders entered by a DMM in securities that are assigned to that DMM would be included in the DMM Participant<sup>33</sup> for purposes of a parity allocation. Rule 7.35B(h)(2) currently provides that at-priced orders and DMM Interest of any price are not guaranteed to participate in the Closing Auction. The Exchange proposes that at-priced Closing D Orders would also not be guaranteed to participate in the Closing Auction. In addition, current Rule 7.35B(h)(2)(A) further provides that orders ranked Priority 2—Display Orders, which include DMM Interest, are ranked on parity by Participant pursuant to Rule 7.37(b)(2)–(7). Accordingly, currently, at-priced DMM Interest is allocated on parity by DMM Participant in the Closing Auction. The Exchange therefore believes that ranking at-priced Closing D Orders entered by a DMM in its assigned securities on parity by DMM Participant would not be novel. The distinction from current rules, however, would be that Closing D Orders would be required to be entered before the end of Core Trading Hours. By contrast, under the current rules, DMMs could receive a parity allocation of at-priced DMM Interest entered after the end of Core Trading Hours.

In addition, proposed Rule 7.35B(h)(2)(A) would provide that at-

priced Closing D Orders entered by a DMM in securities not assigned to that DMM would be included in the Book Participant. This allocation methodology would be new because, currently, a member organization acting in its capacity as a DMM is not permitted to enter orders in securities that are not assigned to it. Because a member organization entering orders in NYSE-listed securities not assigned to it in its capacity as a DMM would not be functioning as a DMM, the Exchange proposes that such at-priced Closing D Orders be included in the Book Participant<sup>34</sup> for purposes of parity allocations in the Closing Auction.

*Third*, the Exchange proposes to amend Rule 7.35B(h)(2) to add new subparagraph (E) providing that DMM Auction Liquidity, *i.e.*, the offsetting interest that a DMM would be permitted to enter after the end of Core Trading Hours in connection with facilitating the Closing Auction and that would always be at-priced interest, would be allocated after both LOC Orders and Closing IO Orders.<sup>35</sup> This would be new, because currently, all at-priced DMM Interest, including that entered after the end of Core Trading Hours, would be allocated before at-priced LOC Orders and Closing IO Orders. As described above, the Exchange proposes that only at-priced interest entered by a DMM *before* the end of Core Trading Hours, *i.e.*, Closing D Orders, would be allocated before LOC Orders and Closing IO Orders. However, that would not be a unique benefit because currently, all displayed and non-displayed orders, including Closing D Orders entered by Floor brokers, are allocated before LOC Orders and Closing IO Orders. Accordingly, DMMs would not receive a unique benefit with this allocation sequence.

As proposed, DMM Auction Liquidity, which can be entered only after the end of Core Trading Hours, would be allocated *after* the following at-priced orders have any opportunity to participate in the Closing Auction: orders ranked Priority 2—Displayed Orders and Closing D Orders; orders ranked Priority 3—Non-Display Orders; LOC Orders; and Closing IO Orders. As further proposed, among at-priced orders, DMM Auction Liquidity would

<sup>34</sup> Under Rule 7.36(a)(5), the term “Book Participant” means orders collectively represented in the Exchange Book that have not been entered by a Floor broker or DMM. Pursuant to Rule 7.37(b)(5), an allocation to the Book Participant will be allocated to orders that comprise the Book Participant by working time.

<sup>35</sup> The Exchange proposes a non-substantive amendment to re-number current Rules 7.35B(h)(2)(E) and (F) as proposed Rules 7.35B(h)(2)(F) and (G).

<sup>32</sup> See Rule 7.35B(h)(1).

<sup>33</sup> Under Rule 7.36(a)(5), the term “DMM Participant” means the DMM assigned to the security. Accordingly, a DMM is eligible for a DMM Participant parity allocation only in securities assigned to that DMM.



receive an allocation opportunity before orders ranked Priority 4—Yielding Orders and Closing D Orders with a Yielding Modifier. The Exchange believes that this allocation would be consistent with a fair and orderly market because orders with a Yielding Modifier are, by their terms, conditional, intended to yield to other available interest, and not guaranteed an execution in the Closing Auction.

As noted above in connection with the discussion relating to proposed amendments to Rule 7.35B(a)(2), because DMM Auction Liquidity would be allocated ahead of Yielding Orders, the Exchange would not include offsetting at-priced Yielding Orders in the calculation of the Unpaired Quantity that would be provided to DMMs to let them know the full quantity of DMM Auction Liquidity that they would be eligible to trade at a price point. In addition, because the Exchange proposes to change how DMM Auction Liquidity would be ranked and allocated in a Closing Auction, the Exchange proposes to amend the second sentence of Rule 7.35(a)(9)(A)<sup>36</sup> to specify that the ranking and allocation of DMM Auction Liquidity, as described in that Rule, would be applicable only for a Core Open Auction or Trading Halt Auction.

Finally, the Exchange proposes to amend Rule 7.35B(h)(3)(A) relating to DMM Participant allocation. The current rule addresses how DMM Orders would be allocated within the DMM Participant.<sup>37</sup> Because DMM Orders would no longer participate in the Closing Auction, the Exchange proposes to delete the current rule text. The Exchange proposes that Rule 7.35B(h)(3)(A) would instead address how the Exchange would apply self-trade prevention within the DMM Participant Allocation.

As noted above, a DMM would not be able to enter or cancel Closing D Orders in the last ten seconds of Core Trading Hours. In addition, DMMs would be permitted to enter DMM Auction Liquidity after the end of Core Trading Hours, and only to offset Unpaired Quantity at the Closing Auction Price.

Accordingly, it could be possible that a DMM has a Closing D Order to buy (sell) that is eligible to participate in the Closing Auction when there is a buy (sell) Unpaired Quantity, and therefore the DMM may be entering offsetting DMM Auction Liquidity to sell (buy). If the prices of two such contra-side orders either lock or cross, the Exchange proposes to apply STP Decrement and Cancel (“STPD”), as described in Rule 7.31(i)(2)(C)(i), to such locking/crossing interest.<sup>38</sup> The Exchange believes that by applying STPD, the Exchange would systematically ensure that DMM Auction Liquidity would not trade in a Closing Auction where there are also contra-side Closing D Orders entered by the DMM.<sup>39</sup> It would also ensure that only the equivalent size of the two orders would be cancelled. Therefore, such cancellation would have minimal impact on how the Closing Auction Price would be determined. The Exchange further proposes that if there is more than one Closing D order to sell (buy) to be cancelled, such orders would be cancelled in price/time sequence, from lowest (highest) price first, and then at each price, from oldest to newest.

*Exchange-Facilitated Auctions.* Rule 7.35C(a)(1) currently provides that if the Exchange facilitates an Auction, DMM Interest will not be eligible to participate if such Auction results in a trade and will be eligible to participate if such Auction results in a quote. The Exchange proposes that because, as described above, Closing D Orders entered by DMMs would be processed similarly to Floor broker Closing D Orders, including that they would be included in Closing Auction Imbalance Information, Closing D Orders entered

by a DMM be processed similarly to Closing D Orders entered by Floor brokers in an Exchange-facilitated Auction. Accordingly, the Exchange proposes to amend Rule 7.35C(a)(1) to provide that Closing D Orders entered by a DMM would be eligible to participate in an Exchange-facilitated Closing Auction.

#### Proposed Amendments to Rules 104 and 98

*Prohibited Transactions.* In connection with the above-described changes to the process for DMM-facilitated Closing Auctions, the Exchange proposes to amend Rule 104 to eliminate the current restriction on DMMs engaging in “Prohibited Transactions” during the last ten minutes of trading prior to the scheduled close of trading. The Exchange believes that the proposed changes to the Closing Auction process obviate the need for this current restriction and the Exchange proposes to delete the text currently set forth in Rule 104(g)(1)(B) and subparagraph (i) thereto in its entirety.

Rule 104(g)(1)(A) currently defines an “Aggressing Transaction” as a DMM unit transaction that: “(i) is a purchase (sale) that reaches across the market to trade as the contra-side to the Exchange published offer (bid); and (ii) is priced above (below) the last differently-priced trade on the Exchange and above (below) the last differently-priced published offer (bid) on the Exchange.” Rule 104(g)(1)(B) further provides that:

Aggressing Transactions during the last ten minutes prior to the scheduled close of trading that would result in a new high (low) price for a security on the Exchange for the day at the time of the DMM’s transaction are prohibited, unless such transaction would match another market’s better bid or offer price, bring the price of that security into parity with an underlying or related security or asset, or would liquidate or decrease the position of the DMM unit.<sup>40</sup>

These are referred to as “Prohibited Transactions.” When the Exchange previously sought to remove Prohibited Transactions, the Commission disapproved the proposed rule change and noted that it analyzed the proposal “in the context of the unique role played by DMMs on the Exchanges.”<sup>41</sup>

<sup>40</sup> Rule 104(g)(1)(B) defines the “position of the DMM unit” for purposes of Rule 104(g)(1)(B) as “the DMM unit’s inventory of securities exclusive of pending, unexecuted orders and has the same meaning as ‘net position information in DMM securities’ in Rule 98(c)(5).”

<sup>41</sup> See Securities Exchange Act Release No. 81150 (July 1, 2017), 82 FR 33534, 33536 (July 20, 2017) (SR-NYSE-2016-71) (“Disapproval Order”). The Exchange has since amended Rule 104 to revise how Prohibited Transactions function on the

<sup>36</sup> The second sentence of Rule 7.35(a)(9)(A) currently provides that “[f]or purposes of ranking and allocation in an Auction, DMM Auction Liquidity is ranked Priority 2—Display Orders.”

<sup>37</sup> Current Rule 7.35B(h)(3)(A) provides: “At-priced DMM Orders will be placed on the allocation wheel for the Closing Auction based on the time of entry and any other orders or interest from such DMM will join that position on the allocation wheel. If the only DMM Interest available to participate in a Closing Auction is DMM Auction Liquidity or better priced DMM Orders or both, such DMM Interest will be placed last on the allocation wheel.”

<sup>38</sup> Under Rule 7.31(i)(2)(C)(i), STPD works as follows: “if both orders are equivalent in size, both orders will be cancelled back to the originating member organization. If the orders are not equivalent in size, the equivalent size will be cancelled back to the originating Client ID and the larger order will be decremented by the size of the smaller order with the balance remaining on the Exchange Book.”

<sup>39</sup> As described above, the STPD functionality would be implemented for DMMs as a tool to help enable them to meet their obligations to facilitate the Closing Auction in a fair and orderly manner while systematically preventing the DMM from engaging in certain trading activity such as “wash sales.” The Exchange notes that it does not propose to implement self-trade prevention for all market participants in the Closing Auction, rather only for the limited case of DMM Auction Liquidity entered after the end of Core Trading Hours. Because the Closing Auction is a single transaction involving many different participants at a single clearing price, it would be difficult to implement this functionality from a technological and operational perspective across multiple parties and all other types of auction interest because it would require the Exchange to continually provisionally cancel and recalculate the prospective auction.

In assessing the DMM's benefits and obligations with respect to the close, in the Disapproval Order, the Commission reiterated that it assesses "whether the rewards granted to DMMs . . . are commensurate with their obligations" and whether Exchange rules reflect "an appropriate balance of DMM obligations against the benefits provided to DMMs." With respect to that proposed rule change, the Commission found that "[i]n return for their obligations and responsibilities, DMMs have significant priority and informational advantages in trading on the Exchanges, both during continuous trading and during the closing auction." Among other things, the Commission noted that "during the Auction itself, DMMs are aware of interest represented by Floor brokers, which is not publicly disseminated." The Commission further noted that "when offsetting an imbalance during the closing auction, DMM interest trades at parity with limit orders on the Exchange order book, and DMM interest takes priority over limit-on-close orders with a price equal to the closing price and over closing-offset orders."

Since 2017, the Exchange has implemented changes relating to trading functions on the Exchange leading into the Closing Auction that have altered the balance of DMM obligations against the benefits provided to DMMs. First, in 2019, in connection with the transition to the Pillar trading platform, the Exchange amended its rules to provide that Floor Broker Interest (*i.e.*, interest verbalized in the trading crowd by a Floor Broker) would be included in Closing Auction Imbalance Information.<sup>42</sup> Accordingly, from August 2019, when Pillar was implemented, until March 2020, when the Trading Floor was temporarily closed as a precaution to prevent the spread of COVID-19, the information available to DMMs regarding Floor Broker Interest became available to subscribers of the Closing Auction Imbalance Feed.

Second, beginning in 2020, the Exchange temporarily suspended the availability of Floor Broker Interest to be eligible to participate in the Closing Auction.<sup>43</sup> The Exchange recently

amended its rules to permanently exclude Floor Broker Interest from the Closing Auction.<sup>44</sup> Because of the absence of Floor Broker Interest in the Closing Auction, any remaining information advantage that DMMs might have had with respect to orders from Floor brokers—even after such interest was included in the Closing Auction Imbalance Information—has since been eliminated. Accordingly, one of the information advantages of DMMs that the Commission cited to in the Disapproval Order no longer exists.

The Exchange believes that this proposed rule change further alters the balance of DMM obligations compared to the benefits provided to DMMs with respect to the Closing Auction. The Exchange believes that in the aggregate, these changes (including the elimination of Floor Broker Interest) result in a shift that decreases the benefits available to DMMs without a commensurate decrease in obligations. Specifically, with this proposed rule change:

- DMMs must still meet their Rule 104 obligation to facilitate the Closing Auction and supply liquidity as needed. They must also select an Auction Price that satisfies all better-priced orders on the Side of the Imbalance. However, they would now be systematically restricted as to the price range at which the Closing Auction Price could be determined. As proposed, if the Side of the Imbalance is to buy (sell), the Auction Price must be at or above (below) the last-published Imbalance Reference Price and not above (below) the last-published non-zero Continuous Book Clearing Price. Accordingly, with this proposed change, DMMs will be subject to a further limitation on how they may select the Closing Auction Price. By contrast, under current rules, there is no express requirement for a DMM to close a stock within the Continuous Book Clearing Price, although DMMs are obligated to, among other things, supply liquidity as needed to facilitate the Closing Auction in a fair and orderly manner. This proposed change promotes transparency and determinism of the Closing Auction Price and systematically constrains how a DMM selects a Closing Auction Price. The Exchange therefore believes that this proposed change decreases the unique benefits granted to the DMMs without decreasing the obligations on the DMMs with respect to the Closing Auction.

- The only interest that a DMM may enter after the end of Core Trading

Hours to participate in the Closing Auction would be DMM Auction Liquidity, and such interest could be entered only to offset Unpaired Quantity at the Auction Price. Such interest is thus restricted by side, price, and quantity. By contrast, under current rules, DMMs have no systematic restrictions on entering or cancelling DMM Interest after the end of Core Trading Hours. This change ensures that DMM Auction Liquidity could be used only to dampen significant price movements at the close. The Exchange believes this proposed change significantly decreases unique benefits to the DMMs because they would still be required to supply liquidity as needed to support a fair and orderly Closing Auction, but would have limited tools to enter any such interest after the end of Core Trading Hours. The Exchange proposes to make the Closing D Order available to DMMs in part to offset this reduction of unique benefits with respect to entering or cancelling DMM Interest after the end of Core Trading Hours. However, unlike how DMMs currently may enter and cancel DMM Interest, DMMs would not receive any unique treatment with respect to the availability of this order type. To the contrary, Closing D Orders for DMMs would function similarly to Closing D Orders available to Floor brokers, including that they may not be entered or cancelled in the last ten seconds of trading and the interest would be included in the Closing Auction Imbalance Information. Accordingly, the Exchange is not providing a bespoke tool for DMMs to supply liquidity for the Closing Auction. In addition, the Exchange proposes to make Closing D Orders available for a wholly independent reason to provide an incentive for more broker-dealers to seek to register as a DMM, which would increase DMM diversity on the Exchange to increase issuer choice.

- DMM Auction Liquidity entered in connection with facilitating the Closing Auction would, by its terms, be at-priced interest and would be allocated *after* at-priced displayed orders, non-displayed orders, LOC Orders, and Closing IO Orders. Accordingly, unlike at-priced DMM Interest under current Rules, it would not have priority over LOC Orders and Closing IO Orders. While such DMM Auction Liquidity would have priority over orders with a Yielding Modifier, the Exchange notes that such orders are, by their terms, conditional in nature and designed to yield to other orders. Accordingly, DMMs would have a reduced benefit in connection with Closing Auction

Exchange. See Securities Exchange Act Release No. 85637 (April 12, 2019), 84 FR 16079 (SR-NYSE-2018-34) (Order approving amendments to Rule 104, including modifying the definition of prohibited transactions) ("Prohibited Transactions Approval Order").

<sup>42</sup> See Rule 7.35B(a)(1)(B).

<sup>43</sup> See Securities Exchange Act Release No. 89086 (June 17, 2020), (SR-NYSE-202-52) (Commentary .03 to Rule 7.35B was in effect on a temporary basis from June 17, 2020 until July 23, 2021, when the Commission issued the Floor Broker Interest Approval Order).

<sup>44</sup> See Floor Broker Interest Approval Order, *supra* note 7.

allocations for their at-priced DMM Auction Liquidity. The Exchange notes that the proposed allocation of Closing D Orders entered by the DMM would not provide them with a unique benefit because they would function similarly to Closing D Orders entered by Floor brokers. Accordingly, if a Closing D Order is better-priced, it would be guaranteed to participate in the Closing Auction (subject to DMM-specific self-trade prevention), just as any other better-priced interest would be guaranteed an allocation. In addition, that information would be transparent because such Closing D Orders would be included in Closing Auction Imbalance Information. DMMs would therefore not be receiving a unique benefit in this allocation. The Exchange further believes it is appropriate that at-priced DMM-entered Closing D Orders in their assigned securities would be allocated on parity as part of the DMM Participant because DMMs would continue to have a significant obligation with respect to the Closing Auction, and the benefit associated with a parity allocation for such orders is designed to offset that obligation, in part. The Exchange would not propose the same benefit for Closing D Orders entered by a DMM in securities that are not assigned to the DMM; in such case, such orders would be included in the Book Participant, and therefore would not receive any allocation priority over other market participants.

DMMs would continue to have benefits in connection with their unique role. For example, at the point of sale, DMMs have access to aggregated buying and selling interest that is eligible to participate in the Closing Auction.<sup>45</sup> However, pursuant to current Rule 104(h)(ii), a DMM may not use any information provided by Exchange systems in a manner that would violate Exchange rules or federal securities laws or regulations. In addition, pursuant to current Rule 104(h)(iii), Floor brokers may request that a DMM provide them with the information that is available to the DMM at the post, including such aggregated buying and selling interest for the Closing Auction. The Exchange continues to believe that it benefits the trading community as a whole to continue to make such information available to DMMs because Floor brokers who request such market looks can use that information to provide their customers with information necessary

for them to make trading decisions leading into the close.

Providing Closing D Orders to DMMs would also provide them with a benefit. However, that benefit would not be unique to DMMs, as this order type is also available to Floor brokers. Because all Floor brokers operate on an agency-only basis, any market participant can avail themselves of Floor broker services and use Closing D Orders. The Exchange also believes that providing Closing D Orders to DMMs is designed to offset the current significant barriers to entry for new DMM firms on the Exchange, which is an obligation independent of the obligations related to the Closing Auction.

In the aggregate, the Exchange believes that the above-described changes have altered the balance of benefits and obligations for DMMs and the resulting scope of obligations would no longer be commensurate with DMM benefits. For example, with respect to the benefits specifically identified by the Commission in the Disapproval Order, DMMs no longer have an informational advantage relating to Floor broker verbal interest at the close and their at-priced DMM Auction Liquidity would no longer have priority over LOC or Closing IO Orders.

The Exchange believes that as a result of these significant alterations to DMM obligations and benefits, any current need for Prohibited Transactions as a DMM obligation has been obviated. As described by the Commission, Prohibited Transactions provide for a bright-line rule designed to prevent a DMM from aggressively taking liquidity and moving prices on the Exchange immediately before the Closing Auction, and therefore destabilizing the market.<sup>46</sup> Prohibited Transactions make sense when a DMM has discretion over the Closing Auction Price and when a DMM can enter and cancel interest after the end of Core Trading Hours. However, with the proposed changes described in this filing, DMM discretion is explicitly limited; the Closing Auction Price must be within a defined and transparent parameter that cannot be changed after the end of Core Trading Hours and DMMs would be limited in what offsetting interest they can enter after the end of Core Trading Hours. So while the DMM would still have an obligation to facilitate the Closing Auction and supply liquidity as needed, DMMs would no longer have the same discretion in how they fulfill this obligation. As a result, any trading activity that a DMM would engage in the last ten minutes of trading would be

no different than how other market participants trade leading into the close.

Because the Exchange proposes to eliminate Prohibited Transactions, the Exchange proposes to make a conforming amendment to Rule 98 to delete subparagraphs (c)(5) and (c)(5)(A) and renumber subparagraphs (c)(6) and (c)(7) as (c)(5) and (c)(6). The Exchange added Rule 98(c)(5) for the sole purpose of requiring DMMs to provide net position information in connection with monitoring their compliance with Prohibited Transactions.<sup>47</sup> Accordingly, if Prohibited Transactions are eliminated, that reporting requirement becomes obsolete.

*Proposed Non-Substantive Amendments to Rule 104.* In addition to eliminating prohibited transactions, the Exchange proposes to amend Rule 104 to eliminate obsolete rule text and update rule references, and make other conforming changes, as follows:

- The Exchange proposes to amend Rule 104(a)(2) to update the cross reference from Rule 123D to Rule 7.35A and to use the Pillar terms of “Core Open Auctions and Trading Halt Auctions” instead of referring to “openings.” The Exchange also proposes to delete the reference to Rule 13 and Reserve Order interest procedures at the opening as obsolete. Finally, the Exchange proposes to delete the reference to Supplementary Material .05 to Rule 104 with respect to odd-lot order information to the DMM unit algorithm, as this is also obsolete now that the Exchange trades on Pillar.

- The Exchange proposes to amend Rule 104(a)(3) to update the cross reference from Rule 123C to Rule 7.35B and to use the Pillar term of “Closing Auctions” instead of “closes.” The Exchange also proposes to delete the reference to Rule 13 and Reserve Order interest procedures at the close as obsolete.

- The Exchange proposes to amend Rule 104(b) by deleting subparagraphs (2) and (6) and replacing the text for Rule 104(b)(2) with the following: “Unless otherwise specified in Rule 7.31, DMM unit algorithms may use the orders and modifiers set forth in Rule 7.31.” Rule 104(b)(2) currently provides that “Exchange systems shall enforce the proper sequencing of incoming orders and algorithmically-generated messages and will prevent incoming DMM interest from trading with resting DMM interest. If the incoming DMM

<sup>45</sup> As noted above, DMM unit algorithms are not provided aggregated buying and selling interest for the Closing Auction until after the end of Core Trading Hours.

<sup>46</sup> See Disapproval Order at 33536, *supra*, note 40.

<sup>47</sup> See Securities Exchange Act Release No. 86131 (June 18, 2019), 84 FR 29565 (June 23, 2019) (SR-NYSE-2019-25) (Notice of filing and immediate effectiveness of proposed rule change). See also Prohibited Transactions Approval Order, *supra* note 40.

interest would trade with resting DMM interest only, the incoming DMM interest will be cancelled. If the incoming DMM interest would trade with interest other than DMM interest, the resting DMM interest will be cancelled.” Since the Exchange transitioned to Pillar, the Exchange no longer enforces self-trade prevention on behalf of DMMs. Instead, DMMs may use one of the Self-Trade Prevention Modifiers (“STP”) described in Rule 7.31(i)(2).

Rule 104(b)(6) currently provides that “DMM Units may not enter the following orders and modifiers: Market Orders, MOO Orders, CO Orders, MOC Orders, LOC Orders, or Buy Minus Zero Plus Instructions.” In the Pillar rules, Rule 7.31 sets forth which orders and modifiers are not available to DMMs, and therefore Rule 104(b)(6) is obsolete. The Exchange believes that the proposed new text for Rule 104(b)(2) would provide transparency that Rule 7.31 would describe which orders and modifiers would be available to DMMs, including STP modifiers.

- The Exchange proposes to amend Rule 104(b)(3) to delete references to “Floor broker agency interest files or reserve interest” as such references are now obsolete. The Exchange no longer uses “Floor broker agency interest files” and no longer provides Floor brokers with reserve interest functionality that differs from the Reserve Orders available to all member organizations, as described in Rule 7.31.

- The Exchange proposes to amend Rule 104(b) by deleting subparagraph (4), which provides that “[t]he DMM unit’s algorithm may place within Exchange systems trading interest to be known as a “Capital Commitment Schedule”. (See Rule 1000 concerning the operation of the Capital Commitment Schedule).” With the transition to Pillar, the Exchange has replaced the “Capital Commitment Schedule” with Capital Commitment Orders, as described in Rule 7.31(d)(5), and has deleted Rule 1000. Accordingly, this current rule is obsolete. The Exchange proposes a non-substantive amendment to renumber Rule 104(b)(5) as Rule 104(b)(4).

- The Exchange proposes to delete the text accompanying current Rules 104(c), (d), and (e) as obsolete now that the Exchange trades on Pillar.

*Rule 104(c) currently provides:* “A DMM unit may maintain reserve interest consistent with Exchange rules governing Reserve Orders. Such reserve interest is eligible for execution in manual transactions.” Rule 7.31 now describes how Reserve Orders function.

*Rule 104(d) currently provides:* “A DMM unit may provide algorithmically-generated price improvement to all or part of an incoming order that can be executed at or within the Exchange BBO through the use of Capital Commitment Schedule interest (see Rule 1000). Any orders eligible for execution in Exchange systems at the price of the DMM unit’s interest will trade on parity with such interest, as will any displayed interest representing a d-Quote enabling such interest to trade at the same price as the DMM unit’s interest.” As noted above, with Pillar, the Exchange has deleted Rule 1000 and no longer offers the Capital Commitment Schedule to DMMs.

*Rule 104(e) currently provides:* “DMM units shall provide contra side liquidity as needed for the execution of odd-lot quantities that are eligible to be executed as part of the opening, re-opening and closing transactions but remain unpaired after the DMM has paired all other eligible round lot sized interest.” This requirement is obsolete.

With these proposed deletions, the Exchange proposes non-substantive amendments to renumber Rules 104(f), (g), (h), (i), and (j) as Rules 104(c), (d), (e), (f), and (g) and update cross-references in proposed Rule 104(e)(iii) from subparagraph (h)(ii) and (iii) to (e)(ii) and (iii).

- The Exchange proposes to amend current Rule 104(h)(ii) (proposed Rule 104(e)(ii)) to delete reference to information that is no longer available to a DMM at the post. Specifically, the Exchange no longer provides DMMs at the post with the following information: “the price and size of any individual order or Floor broker agency interest file and the entering and clearing firm information for such order, except that the display shall exclude any order or portion thereof that a market participant has elected not to display to a DMM”. Accordingly, the Exchange proposes to amend Rule 104(e)(ii) to delete that rule text.

\* \* \* \* \*

The Exchange proposes that the non-substantive amendments to Rule 104 (not including the proposed elimination of prohibited transactions) would be operative immediately upon approval of this proposed rule change. Because of the technology changes associated with the proposed changes to the Closing Auction process and availability of Closing D Orders for DMMs, the Exchange proposes that, subject to approval of the proposed rule change, the Exchange will announce the implementation date of the remaining proposed rule changes, including the

elimination of prohibited transactions, by Trader Update. Subject to approval of this proposed rule change, the Exchange anticipates that such changes will be implemented in the first half of 2022.

## 2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act,<sup>48</sup> in general, and furthers the objectives of Sections 6(b)(5) of the Act,<sup>49</sup> in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

*Proposed Changes to Closing Auction Price.* The Exchange believes that the proposed amendment to Rule 7.35B(g) regarding how the Closing Auction Price would be determined would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would promote a more transparent and deterministic Closing Auction process. Specifically, the proposed change would require that the DMM determine a Closing Auction Price that is at or between the last-published Imbalance Reference Price and Continuous Book Clearing Price. Accordingly, the Closing Auction Price must be within a pre-determined range of prices that would have been disseminated via the Closing Auction Imbalance Information and that cannot be changed after the end of Core Trading Hours. The Exchange further believes that this proposed parameter is consistent with how Closing Auction Prices have been determined for the vast majority of Closing Auctions. For example, in the period January 1, 2021 to July 23, 2021, 96.5% of all Closing Auctions were priced at or between the last-published Imbalance Reference Price and Continuous Book Clearing Price. Similarly, during this same period, 94.9% of closing auction volume priced within these parameters.

*Proposed Changes to How DMMs Would Participate in the Closing Auction.* The Exchange believes that the proposed amendments to Rules

<sup>48</sup> 15 U.S.C. 78f(b).

<sup>49</sup> 15 U.S.C. 78f(b)(5).

7.35B(a)(2), 7.31(c)(2)(C), and 7.35(a)(9) regarding how DMMs would participate in the Closing Auction would remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed changes would promote transparency and determinism regarding the Closing Auction process by eliminating DMMs' ability to cancel interest after the end of Core Trading Hours and limiting their ability to enter interest after the end of Core Trading Hours. As a result of the proposed changes, DMMs would no longer have discretion after the end of Core Trading Hours to enter or cancel DMM Interest, which could potentially impact the Closing Auction Price. Instead, as proposed, DMMs would be able to meet their obligation under Rule 104(a)(3) to supply liquidity as needed by either entering Closing D Orders before the end of Core Trading Hours or entering DMM Auction Liquidity after the end of Core Trading Hours, but only to offset Unpaired Quantity at the Closing Auction Price (which must be within a predetermined range, as described above). Accordingly, with these proposed changes, a DMM could enter DMM Auction Liquidity after the end of Core Trading Hours only to close a security at a price that is at or closer to the Imbalance Reference Price than the published Continuous Book Clearing Price.

The Exchange believes that making Closing D Orders available to DMMs would remove impediments to and perfect the mechanism of a free and open market and a national market system because they would provide DMMs with a replacement mechanism both to meet their ongoing Rule 104(a)(3) obligations with respect to the Closing Auction to contribute their own capital to supply liquidity as needed to assist in the maintenance of a fair and orderly market and to manage the risk of the DMM. The Exchange further believes that it would promote transparency and determinism to the Closing Auction process for DMMs to enter their interest before the end of Core Trading Hours. Specifically, the Exchange proposes that Closing D Orders entered by a DMM would be included in the Closing Auction Imbalance Information at their undisplayed discretionary price beginning five minutes before the end of Core Trading Hours, which is when Closing D Orders entered by Floor brokers are included in the Closing Auction Imbalance Information. With this change, Closing D Orders entered by DMMs would be reflected in the

Closing Auction Imbalance Information, which is not the case for DMM Interest currently entered or cancelled after the end of Core Trading Hours. Market participants would be able to respond to any changes in the Closing Auction Imbalance Information that may result from Closing D Orders entered by DMMs by entering interest into the continuous order book or retaining the services of a Floor broker to enter Closing D Orders on their behalf.

In addition, Closing D Orders are not novel and the Exchange proposes that they would function for DMMs in a similar manner as they currently function for Floor brokers, with only two substantive differences. First, DMMs could not combine a Yielding Modifier with a Closing D Order. The Yielding Modifier is not necessary for DMMs because their transactions on the Exchange are as a dealer acting in the capacity as a market maker, and therefore they are not subject to the trading prohibitions specified in Section 11(a) of the Act.<sup>50</sup> Second, Closing D Orders entered by a DMM in NYSE-listed securities would not be able to participate in a Core Open Auction or Trading Halt Auction. Because the purpose of providing Closing D Orders to DMMs is to provide them with a tool to participate in Closing Auctions, the Exchange does not believe that Closing D Orders entered by DMMs in NYSE-listed securities would need to participate in a Core Open Auction or Trading Halt Auction on the Exchange.

The Exchange further believes that providing DMMs with the ability to enter Closing D Orders in securities that trade on the Exchange, including UTP Securities, that are not assigned to them as a DMM, would remove impediments to and perfect the mechanism of a free and open market and a national market system and support the maintenance of a fair and orderly market because it would provide a mechanism for DMMs to enter such orders directly. Currently, a DMM may choose to use a Floor broker to enter Closing D Orders in securities that have not been assigned to that DMM. The Exchange believes that allowing DMMs to enter Closing D Orders directly would reduce operational complexity and cost for DMMs, thereby creating an incentive for additional firms to register as a DMM. This proposed change would also make it easier for regulatory staff to monitor DMM trading activity on the Exchange.

In addition, the Exchange believes that making this order type available to DMMs for all securities that trade on the Exchange would provide an incentive

for additional broker-dealers to register as a DMM on the Exchange.

Specifically, the Exchange believes that providing potential new DMM entrants with additional opportunities to provide liquidity across all securities that trade on the Exchange may serve as an incentive for new entrants to undertake the costs to register as a DMM unit without a significant roster of allocated securities. The Exchange further believes that promoting diversity of DMMs would remove impediments to and perfect the mechanism of a free and open market and a national market system by providing issuers with additional choice in their DMM assignments.

The Exchange believes that the proposed amendments to Rule 7.35(a)(9)(B) and (C) would remove impediments to and perfect the mechanism of a free and open market and a national market system because they would promote clarity and transparency regarding the terms "DMM Order" and "DMM Auction Liquidity" in a manner designed to conform to the substantive changes to how DMMs would participate in the Closing Auction. The Exchange further believes that the proposed amendment to Rule 7.35B(j)(2)(A)(iii) would similarly remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed amendment is consistent with the proposal that DMM Orders would not be eligible to participate in a Closing Auction; if a DMM were permitted to enter DMM Orders during a Solicitation Period under that Rule, such orders would need to be cancelled before the Closing Auction, per proposed changes to Rule 7.35B(a)(2).

*DMM Interest Allocation in the Closing Auction.* The Exchange believes that the proposed amendments to Rule 7.35B(h) to change how DMM Interest, including Closing D Orders entered by a DMM, would be allocated in a Closing Auction, would remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed changes are designed to process DMM Interest consistent with the role of the DMM in a particular Closing Auction:

- The Exchange believes that amending Rule 7.35B(h)(1) to provide that better-priced Closing D Orders entered by a DMM would be guaranteed to participate in the Closing Auction (subject to DMM-specific self-trade prevention) would promote a fair and orderly Closing Auction process because better-priced DMM Closing D Orders would not receive a different allocation opportunity from other Participants that

<sup>50</sup> See *supra* note 26.

have entered better-priced interest; all better-priced interest is guaranteed to participate in the Closing Auction. In addition, because DMMs would be entering Closing D Orders before the end of Core Trading Hours and such interest would be included in the Closing Auction Imbalance Information, if they are better-priced orders, the Exchange believes that should be included in the Closing Auction in the same manner that all other better-priced orders entered by other member organizations are allocated in the Closing Auction. Accordingly, DMMs would not be receiving a unique benefit as a result of this proposed allocation.

- The Exchange believes that amending Rule 7.35B(h)(2)(A) to provide that at-priced Closing D Orders in securities that are assigned to the DMM would be included in the DMM Participant allocation would promote a fair and orderly Closing Auction process because it is consistent with the current allocation of at-priced DMM Interest in the Closing Auction, and therefore it is not novel. This benefit is designed to offset the DMM's significant obligation to facilitate the Closing Auction and supply liquidity as needed. The Exchange further notes that the proposed amendment would allow this at-priced DMM Participant allocation only for Closing D Orders, which, by their terms, must be entered before the end of Core Trading Hours and would be included in the Closing Auction Imbalance Information. Accordingly, this proposed allocation would be consistent with how Closing D Orders are currently allocated for Floor brokers in the Closing Auction because they would be allocated as part of the allocation of orders ranked Priority 2—Display Orders, which currently get an allocation opportunity before orders ranked Priority 3—Non-Display Orders and LOC Orders. The Exchange likewise believes that the proposal that at-priced Closing D Orders entered by DMMs in securities not assigned to the DMM be included in the Book Participant would be consistent with existing Rules because in such case, the member organization entering such orders would not be functioning as a DMM, and therefore would not be eligible for a DMM Participant allocation for such orders.

- The Exchange believes that amending Rule 7.35B(h)(2) to add new sub-paragraph (E) describing how DMM Auction Liquidity would be allocated would promote a fair and orderly Closing Auction process. Specifically, because DMM Auction Liquidity could be entered only to offset Unpaired Quantity at the Closing Auction Price,

the Exchange does not believe that such interest should get an allocation benefit. Accordingly, DMM Auction Liquidity would be allocated *after* not only displayed and non-displayed orders, but also *after* LOC Orders and Closing IO Orders. The Exchange further believes providing DMM Auction Liquidity with an allocation opportunity before orders ranked Priority 4—Yielding Orders would be consistent with a fair and orderly market because orders with a Yielding Modifier are, by their terms, intended to yield to other available interest and not guaranteed an execution in the Closing Auction. Because DMM Auction Liquidity would have an allocation opportunity before orders with a Yielding Modifier, the Exchange further believes it would be consistent with a fair and orderly Closing Auction process to not include offsetting Yielding Orders in the calculation of Unpaired Quantity that a DMM would be permitted to offset with DMM Auction Liquidity.

- The Exchange believes that deleting the text currently set forth in Rule 7.35B(h)(3)(A) and replacing it with a description of how self-trade prevention would be applied within the DMM Participant Allocation would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would promote transparency of the circumstances of when and how DMM Interest would be decremented and cancelled to prevent a self-trade between Closing D Order(s) to buy (sell) entered by a DMM and DMM Auction Liquidity to sell (buy). By applying STPD, the Exchange believes that the proposed mechanism would reduce the impact of such cancellation on the Closing Auction Price.

*Exchange-Facilitated Auctions.* The Exchange believes that the proposed amendment to Rule 7.35C(a)(1) would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would allow for Closing D Orders entered by DMMs, which would be entered before the end of Core Trading Hours, to participate in an Exchange-facilitated Closing Auction. Currently, Closing D Orders entered by Floor brokers are eligible to participate in an Exchange-facilitated Closing Auction, and the Exchange believes that Closing D Orders entered by DMMs should not be processed differently.

*Prohibited Transactions.* The Exchange believes that the proposed changes to the Closing Auction process, combined with the elimination of Floor Broker Interest in the Closing Auction, would significantly alter the balance of

benefits and obligations for DMMs and the resulting scope of obligations would no longer be commensurate with DMM benefits. The Exchange therefore believes that eliminating Prohibited Transactions would remove impediments to and perfect the mechanism of a free and open market and a national system and would promote just and equitable principles of trade because, as a result of the proposed changes, DMMs' unique benefits vis-à-vis the Closing Auction process would be significantly altered, obviating the need for Prohibited Transactions. Specifically:

- DMMs would still have the obligation to select a Closing Auction Price that satisfies all better-priced orders on the Side of the Imbalance and supply liquidity as needed to facilitate a fair and orderly Closing Auction Process. However, as proposed, the DMM would now be systematically restricted as to the price range at which the Closing Auction Price could be determined and therefore DMMs would be subject to a further limitation on how they may select the Closing Auction Price. Accordingly, the Exchange believes this proposed change would maintain obligations on DMMs with respect to the Closing Auction while decreasing the tools available to meet those obligations.

- DMMs would no longer have discretion after the end of Core Trading Hours to enter or cancel DMM Interest. Instead, as proposed, after the end of Core Trading Hours, DMMs would be able to enter only DMM Auction Liquidity and could enter such interest only at pre-determined price ranges and only if such interest would offset Unpaired Quantity at those pre-determined price ranges. Accordingly, such interest would be systematically restricted by side, price, and quantity. This change ensures that DMM Auction Liquidity could be used only to dampen significant price movements at the close. The Exchange believes this proposed change significantly decreases unique benefits to the DMMs because they would still be required to supply liquidity as needed to support a fair and orderly Closing Auction, but would have limited tools to enter any such interest after the end of Core Trading Hours.

- The Exchange proposes to make the Closing D Order available to DMMs in part to offset this reduction of unique benefits with respect to entering or cancelling DMM Interest after the end of Core Trading Hours. However, unlike how DMMs currently may enter and cancel DMM Interest, DMMs would not receive any unique treatment with

respect to the availability of this order type. To the contrary, Closing D Orders for DMMs would function similarly to Closing D Orders available to Floor brokers, including that they may not be entered or cancelled in the last ten seconds of trading and the interest would be included in the Closing Auction Imbalance Information. Accordingly, the Exchange is not providing a bespoke tool for DMMs to supply liquidity for the Closing Auction. In addition, the Exchange proposes to make Closing D Orders available for a wholly independent reason to provide an incentive for more broker-dealers to seek to register as a DMM, which would increase DMM diversity on the Exchange to increase issuer choice. In addition, the proposed allocation of Closing D Orders entered by the DMM would not provide them with a unique benefit because they would function similarly to Closing D Orders entered by Floor brokers. Accordingly, if a Closing D Order is better-priced, it would be guaranteed to participate in the Closing Auction (subject to DMM-specific self-trade prevention), just as any other better-priced interest would be guaranteed an allocation. In addition, that information would be transparent because such Closing D Orders would be included in Closing Auction Imbalance Information. DMMs would therefore not be receiving a unique benefit in this allocation

- DMM Auction Liquidity entered in connection with facilitating the Closing Auction would, by its terms, be at-priced interest and would be allocated *after* at-priced displayed orders, non-displayed orders, LOC Orders, and Closing IO Orders. Accordingly, unlike at-priced DMM Interest under current Rules, it would not have priority over LOC Orders and Closing IO Orders. While such DMM Auction Liquidity would have priority over orders with a Yielding Modifier, the Exchange notes that such orders are, by their terms, conditional in nature and designed to yield to other orders. Accordingly, DMMs would have a reduced benefit in connection with Closing Auction allocations for their at-priced DMM Auction Liquidity.

In the aggregate, the Exchange believes that the above-described changes have altered the balance of benefits and obligations for DMMs and the resulting scope of obligations would no longer be commensurate with DMM benefits. For example, with respect to the benefits specifically identified by the Commission in the Disapproval Order, DMMs no longer have an informational advantage relating to Floor broker verbal interest at the close

and their at-priced DMM Auction Liquidity would no longer have priority over LOC or Closing IO Orders.

The Exchange believes that, as a result of these significant alterations to DMM obligations and benefits, any current need for Prohibited Transactions as a DMM obligation would be obviated. As described by the Commission, Prohibited Transactions provide for a bright-line rule designed to prevent a DMM from aggressively taking liquidity and moving prices on the Exchange immediately before the Closing Auction, and therefore destabilizing the market.<sup>51</sup> Prohibited Transactions make sense when a DMM has discretion over the Closing Auction Price and when a DMM can enter and cancel interest after the end of Core Trading Hours. However, with the proposed changes described in this filing, DMM discretion is explicitly limited; the Closing Auction Price must be within a defined and transparent parameter that cannot be changed after the end of Core Trading Hours and DMMs would be limited in what offsetting interest they can enter after the end of Core Trading Hours. So, while the DMM would still have an obligation to facilitate the Closing Auction and supply liquidity as needed, DMMs would no longer have the same discretion in how they fulfill this obligation. As a result, any trading activity that a DMM would engage in the last ten minutes of trading would be no different than how other market participants trade leading into the close.

The Exchange notes that in the absence of Prohibited Transactions, if a DMM engages in an Aggressing Transaction in the last ten minutes of trading, the DMM would be subject to the re-entry obligations specified in current Rule 104(g)(2) (proposed Rule 104(d)(2)). Accordingly, DMMs would continue to be subject to a unique obligation in the last ten minutes of trading that would not be applicable to any other member organizations trading on the Exchange. To the extent a DMM engages in an Aggressing Transaction in the last ten minutes of trading, such re-entry obligation would dampen any potential destabilizing impact of such Aggressing Transaction.

Finally, the Exchange believes that the proposed amendments to Rule 98 to delete sub-paragraphs (c)(5) and (c)(5)(A) and renumber subparagraphs (c)(6) and (c)(7) as (c)(5) and (c)(6) would remove impediments to and perfect the mechanism of a free and open market and a national market system because the Exchange added Rule 98(c)(5) for the sole purpose of

requiring DMMs to provide net position information in connection with monitoring their compliance with Prohibited Transactions.<sup>52</sup> Accordingly, because the Exchange is proposing to eliminate Prohibited Transactions, the related reporting requirement becomes obsolete.

*Proposed Non-Substantive Amendments to Rule 104.* The Exchange believes that the proposed non-substantive amendments to Rule 104 would remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed changes are designed to eliminate obsolete rule text, update rule references to reflect Pillar functionality, and make other conforming changes. Specifically, the Exchange proposes to eliminate references to pre-Pillar Rules and trading functionality, including references to Rules 123D, 123C, Rule 1000, the Capital Commitment Schedule, Floor broker agency interest files, odd-lot orders in the close, and self-trade prevention. The Exchange also proposes to update Rule 104(b) to cross reference Rule 7.31 to determine which orders and modifiers are available to DMMs, rather than separately (and duplicatively) including this description in Rule 104. The Exchange also proposes to update current Rule 104(h)(ii) (proposed Rule 104(e)(ii)) to delete reference to information that is no longer available to DMM at the post. The Exchange believes that these proposed amendments will promote transparency and clarity in Exchange rules regarding how DMMs function on the Exchange, including what information is available to them at the post.

The Exchange further believes that the proposed non-substantive amendments to Rules 7.35B(j)(2) and 7.35B(j)(2)(A)(iii) to eliminate references to Floor broker interest and oral interest entered by Floor brokers at the close would remove impediments to and perfect the mechanism of a free and open market and a national market system because these proposed changes are designed to conform Exchange rules to the changes described in the Floor Broker Interest Approval Order.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

In accordance with Section 6(b)(8) of the Act,<sup>53</sup> the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance

<sup>52</sup> See *supra* note 46.

<sup>53</sup> 15 U.S.C. 78f(b)(8).

<sup>51</sup> See Disapproval Order at 33536, *supra*, note 40.



of the purposes of the Act. The proposed change is designed to revise the Closing Auction process on the Exchange to make it more transparent and deterministic, while still retaining the DMM market model. The Exchange believes that the proposed rule change would promote intermarket competition, particularly for issuers in connection with their determination of which exchange to select as a primary listing exchange. The Exchange does not believe that the proposed rule change would impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act because they are designed to address the DMM's unique role at the Exchange, including the DMM's Rule 104(a)(3) obligation to facilitate the Closing Auction by supplying liquidity as needed for a fair and orderly Closing Auction. The proposed changes are designed to make the process more transparent and deterministic. The proposed changes would also result in reducing the overall DMM benefits because they would eliminate discretion regarding DMM Interest entered or cancelled after the end of Core Trading Hours and require that the DMM select a Closing Auction Price from within a pre-determined and transparency range of prices.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 45 days of the date of publication of this notice in the **Federal Register** or such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve or disapprove the proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSE-2021-44 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSE-2021-44. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR-NYSE-2021-44 and should be submitted on or before October 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>54</sup>

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021-20448 Filed 9-21-21; 8:45 am]

**BILLING CODE 8011-01-P**

<sup>54</sup> 17 CFR 200.30-3(a)(12).

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-93023; File No. SR-EMERALD-2021-28]

**Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by To Amend Its Fee Schedule With Respect to Open-Close Report Data**

September 16, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on September 2, 2021, MIAX Emerald, LLC ("MIAX Emerald" or "Exchange"), filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange is filing a proposal to amend the Exchange's Fee Schedule ("Fee Schedule") to provide historical Open-Close Report data for free by amending the fees for the Open-Close Report to: (i) Respond to ad hoc requests for end-of-day data free of charge; and (ii) provide mid-month subscribers data for the entire month in which they subscribe.

The text of the proposed rule change is available on the Exchange's website at <http://www.miaxoptions.com/rule-filings/emerald>, at MIAX's principal office, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.



*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange recently adopted a new data product for options known as the Open-Close Report,<sup>3</sup> which the Exchange made available for purchase to Exchange Members<sup>4</sup> and non-Members on June 1, 2021.<sup>5</sup> The Open-Close Report is described under Exchange Rule 531(b)(1). The Exchange now proposes to provide historical Open-Close Report data for free by amending the fees for the Open-Close Report to: (i) Respond to ad hoc requests for end-of-day data free of charge; and (ii) provide mid-month subscribers data for the entire month in which they subscribe.

General

By way of background, the Exchange offers two versions of the Open-Close Report, an end-of-day summary and intra-day report.<sup>6</sup> The end-of-day version is a volume summary of trading activity on the Exchange at the option level by origin (Priority Customer, Non-Priority Customer, Firm, Broker-Dealer, and Market Maker<sup>7</sup>), side of the market (buy or sell), contract volume, and transaction type (opening or closing). The customer and professional customer volume is further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. It is also a historical

data product and not a real-time data feed.

Members and non-Members may purchase the Open-Close Report on a monthly basis. The Exchange currently assess a monthly fee of \$600 per month for subscribing to the end-of-day summary Open-Close Report and \$2,000 per month for subscribing to the intra-day Open-Close Report. For mid-month subscriptions, new subscribers are currently charged for the full calendar month for which they subscribe and will be provided Open-Close Report data for each trading day of the calendar month from the day on which they subscribed.

End-of-Day Ad Hoc Request (Historical Data)

The Exchange now proposes to provide Members and Non-Members who request on an ad hoc basis historical end-of-day Open-Close Report data free of charge.<sup>8</sup> An ad hoc request may be for any number of months beginning with June 2021, the month in which the Exchange first made the Open-Close Report available. For example, as of the date of this filing, a market participant may request end-of-day Open-Close Report data for the month of June 2021 or July 2021, or may request such data for both June and July 2021 and would not be charged a fee for such request(s). The Exchange notes that other exchanges that provide similar data products allow for ad hoc requests of their end-of-day data for a fee<sup>9</sup> and, like the Exchange proposes herein, allow for ad hoc requests back to a certain month.<sup>10</sup>

<sup>8</sup> The Exchange does not propose to allow for ad hoc requests for intra-day Open-Close Report data.

<sup>9</sup> See Price List—U.S. Derivatives Data for Nasdaq PHLX, LLC (“PHLX”), The Nasdaq Stock Market, LLC (“Nasdaq”), Nasdaq ISE, LLC (“ISE”), and Nasdaq GEMX, LLC (“GEMX”), available at <http://www.nasdaqtrader.com/Trader.aspx?id=DPPriceListOptions#web>. Particularly, PHLX offers “Nasdaq PHLX Options Trade Outline (PHOTO)” and assesses \$400 for historical end-of-day data; Nasdaq offers the “Nasdaq Options Trade Outline (NOTO)” and assesses \$250 for historical end-of-day data; ISE offers the “Nasdaq ISE Open/Close Trade Profile” and assesses \$600 per month for historical end-of-day data and \$27,500 for complete history; and GEMX offers the “Nasdaq GEMX Open/Close Trade Profile” and assesses \$400 for historical end-of-day data.

Cboe EDGX Exchange, Inc. (“EDGX”) and Cboe BZX Exchange, Inc. (“BZX”) both assess \$400 for historical end-of-day data per request per month. See the EDGX fee schedule available at [http://markets.cboe.com/us/options/membership/fee\\_schedule/edgx/](http://markets.cboe.com/us/options/membership/fee_schedule/edgx/) and the BZX fee schedule available at [http://markets.cboe.com/us/options/membership/fee\\_schedule/bzx/](http://markets.cboe.com/us/options/membership/fee_schedule/bzx/). Both EDGX and BZX allow for ad-hoc requests to be for any number of months beginning with January 2018 for which the data is available.

<sup>10</sup> Both EDGX and BZX allow for ad-hoc requests to be for any number of months beginning with

The Exchange also proposes to make the historical monthly data available fifteen (15) days after the end of the month for which it is requested. The Exchange proposes this delay because it is making historical end-of-day Open-Close Report data free of charge and seeks to not encourage subscribers to request historical end-of-day Open-Close Report data over a paid subscription.

Mid-Month Subscriptions

The Exchange also proposes to amend the data range of Open-Close Report data it provides to mid-month subscribers. As noted above, the Exchange currently charges new mid-month subscribers for the full calendar month for which they subscribe, but only provides Open-Close Report data for each trading day of the calendar month from the day on which they subscribed. The Exchange now proposes to provide new mid-month subscribers data for each trading day of the calendar month prior to the day on which they subscribe. In other words, those that subscribe mid-month will be provided Open-Close Data retroactively for each trading day of the month in which they subscribed and prospectively for each trading day for the remainder of that calendar month pursuant to either the end-of-day or intra-day subscription they chose. This is identical to how the Exchange provides data to mid-month subscribers of the Exchange's Liquidity Taker Event report.<sup>11</sup>

Implementation Date

The Exchange intends to provide historical Open-Close Report data for free pursuant this proposal immediately.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,<sup>12</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>13</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to

January 2018 for which the data is available. See the EDGX fee schedule available at [http://markets.cboe.com/us/options/membership/fee\\_schedule/edgx/](http://markets.cboe.com/us/options/membership/fee_schedule/edgx/) and the BZX fee schedule available at [http://markets.cboe.com/us/options/membership/fee\\_schedule/bzx/](http://markets.cboe.com/us/options/membership/fee_schedule/bzx/).

<sup>11</sup> See the Exchange's fee schedule available at [https://www.miaxoptions.com/sites/default/files/fee\\_schedule-files/MAX\\_Pearl\\_Options\\_Fee\\_Schedule\\_08122021.pdf](https://www.miaxoptions.com/sites/default/files/fee_schedule-files/MAX_Pearl_Options_Fee_Schedule_08122021.pdf) [sic] (providing that “[n]ew subscribers will be charged for the full calendar month for which they subscribe and will be provided Liquidity Taker Event Report data for each trading day of the calendar month prior to the day on which they subscribed.”).

<sup>12</sup> 15 U.S.C. 78f(b).

<sup>13</sup> 15 U.S.C. 78f(b)(5).

<sup>3</sup> See Securities Exchange Act Release No. 91963 (May 21, 2021), 86 FR 28662 (May 27, 2021) (SR-EMERADL-2021-18 [sic]) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Adopt a New Historical Market Data Product To Be Known as the Open-Close Report).

<sup>4</sup> The term “Member” means an individual or organization that is registered with the Exchange pursuant to Chapter II of these Rules for purposes of trading on the Exchange as an “Electronic Exchange Member” or “Market Maker.” Members are deemed “members” under the Exchange Act. See Exchange Rule 100.

<sup>5</sup> See Securities Exchange Act Release No. 92138 (June 9, 2021), 86 FR 31769 (June 15, 2021) (SR-EMERALD-2021-20) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAx Pearl [sic] Options Fee Schedule To Adopt Fees for the Open-Close Report).

<sup>6</sup> The intraday Open-Close Report provides similar information to that of Open-Close Data but will be produced and updated every 10 minutes during the trading day. Data is captured in “snapshots” taken every 10 minutes throughout the trading day and is available to subscribers within five minutes of the conclusion of each 10-minute period.

<sup>7</sup> See Exchange Rule 100.

promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes that its proposed changes to its Fee Schedule concerning fees for the Open-Close Report is consistent with Section 6(b) of the Act<sup>14</sup> in general, and furthers the objectives of Section 6(b)(4) of the Act<sup>15</sup> in particular, in that it is an equitable allocation of dues, fees and other charges among its members and other recipients of Exchange data.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (“SROs”) and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. Particularly, the Open-Close Report further broadens the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The data product also promotes increased transparency through the dissemination of the Open-Close Report. Particularly, information regarding opening and closing activity across different option series during the trading day may indicate investor sentiment, which may allow market participants to make better informed trading decisions throughout the day. Subscribers to the data may also be able to enhance their ability to analyze option trade and volume data and create and test trading models and analytical strategies. The Exchange believes the Open-Close Report provides a valuable tool that subscribers can use to gain comprehensive insight into the trading activity in a particular series, but also emphasizes such data is not necessary for trading. Moreover, other exchanges offer a similar data product.<sup>16</sup> This proposal simply and solely seeks to provide historical Open-Close Report data to market participants for free by amending the fees for the Open-Close Report to: (i) Respond to ad hoc requests for end-of-day data free of charge; and (ii) provide mid-month subscribers data for the entire month in which they subscribe.

The Exchange operates in a highly competitive environment. Indeed, there

are currently 16 registered options exchanges that trade options. Based on publicly available information, no single options exchange has more than 15% of the market share and currently the Exchange represents only approximately 5.54% of the market share.<sup>17</sup> The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”<sup>18</sup> Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supra-competitive fees. In the event that a market participant views one exchange’s data product as more or less attractive than the competition they can and do switch between similar products. The proposed fees are a result of the competitive environment, as the Exchange seeks to adopt fees to attract purchasers of the recently introduced Open-Close Data product.

The Exchange believes its proposal to provide Open-Close data in response to ad hoc request for end-of-day data free of charge is reasonable as the proposed rate is lower than the fees assessed by other exchanges that provide data in response to ad hoc request for their similar data products.<sup>19</sup> In fact, the Exchange understands that no other exchange provides such data free of charge.<sup>20</sup> Indeed, proposing fees that are excessively higher than established fees for similar data products would simply serve to reduce demand for the Exchange’s data product, which as noted, is entirely optional. Like the Exchange’s Open-Close Report, other exchanges offer similar data products that each provide insight into trading on those markets and may likewise aid in assessing investor sentiment. Although each of these similar Open-Close data products provide only proprietary trade data and not trade data from other exchanges, it is possible investors are still able to gauge overall investor

sentiment across different option series based on open and closing interest on any one exchange.<sup>21</sup> Similarly, market participants may be able to analyze option trade and volume data, and create and test trading models and analytical strategies using only Open-Close data relating to trading activity on one or more of the other markets that provide similar data products. As such, if a market participant views another exchange’s Open-Close data as more attractive than its proposed Open-Close Report, then such market participant can merely choose not to subscribe to the Exchange’s Open-Close Report and instead purchase another exchange’s Open-Close data product, which offer similar data points, albeit based on that other market’s trading activity.

The Exchange also believes its proposal to amend the fees for the Open-Close Report to: (i) Provide historical end-of-day data free of charge and (ii) provide mid-month subscribers data for the entire month in which they subscribe, is reasonable as it would further support its recent introduction of the Open-Close Report, which is designed to aid investors by providing insight into trading on the Exchange. Providing market data, such as the Open-Close Report, is also a means by which exchanges compete to attract business. Subscribers that receive end-of-day Open-Close data for free in response to an ad hoc request may use such data to evaluate the usefulness of the Exchange’s Open-Close Report and decide, based on that data, whether to subscribe to the Open-Close Report on a monthly basis. In addition, providing new mid-month subscribers data for the entire calendar month would further enhance the value of the Open-Close Report and encourage mid-month subscriptions market participants that seek to subscribe to the Open-Close Report not having to wait to the first of the next month to subscribe and receive a full month of Open-Close Report Data for the current monthly fee. To the extent that the Exchange is successful in attracting subscribers for the Open-Close Report through this proposal, it may earn trading revenues and further enhance the value of its data products. The Exchange also believes its proposal to make historical end-of-day Open-Close Report data on a delayed basis is a reasonable means to not encourage subscribers to request historical end-of-day Open-Close Report data over a paid subscription. If the market deems the proposal to be unfair or inequitable,

<sup>21</sup> The exchange notes that its Open-Close Report data product does not include data on any exclusive, singly-listed option series.

<sup>17</sup> See the Exchange’s “The market at a glance”, available at <https://www.miaxoptions.com/> (last visited September 1, 2021).

<sup>18</sup> See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (“Regulation NMS Adopting Release”).

<sup>19</sup> See *supra* notes 9 and 10.

<sup>20</sup> See *supra* note 9.

<sup>14</sup> 15 U.S.C. 78f(b).

<sup>15</sup> 15 U.S.C. 78f(b)(4).

<sup>16</sup> See *supra* notes 9 and 10.

firms can diminish or discontinue their use of the data and/or avail themselves of similar products offered by other exchanges.<sup>22</sup> The Exchange therefore believes that its proposal reflects the competitive environment and would be properly assessed on Member or non-Member users. The Exchange also believes the proposal is equitable and not unfairly discriminatory as it would apply equally to all users who choose to purchase or receive such data.

As noted above, a wide variety of market participants to subscribe to the Open-Close Report, including but not limited to individual customers, buy-side investors and investment banks. The Exchange reiterates that the decision as to whether or not to subscribe to the Open-Close Report is entirely optional for all potential subscribers. Indeed, no market participant is required to subscribe to the Open-Close Report, and the Exchange is not required to make the Open-Close Report available to all investors. Rather, the Exchange is voluntarily making additional Open-Close Report data available via ad hoc requests for end-of-day data and to mid-month subscribers under this proposal at the request of customers, and market participants may choose to receive this data based on their own business needs. Potential subscribers to or request the data at any time if they believe it to be valuable or may decline to subscribe such data.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposal will promote competition by permitting the Exchange to enhance the value of a data product that is similar to those offered by other competitor options exchanges.<sup>23</sup> The Exchange made Open-Close Data available in order to keep pace with changes in the industry and evolving customer needs, and believes the data product will continue to contribute to robust competition among national securities exchanges. At least eight other U.S. options exchanges offer a market data product that is substantially similar to the Open-Close Report. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

Furthermore, the Exchange operates in a highly competitive environment, and its ability to price the Open-Close Report is constrained by competition among exchanges that offer similar data products to their customers. As discussed, there are currently a number of similar products available to market participants and investors. At least eight other U.S. options exchanges offer a market data product that is substantially similar to the Open-Close Report, which the Exchange must consider in its pricing discipline in order to compete for the market data.<sup>24</sup> For example, proposing fees that are excessively higher than established fees for similar data products would simply serve to reduce demand for the Exchange's data product, which as discussed, market participants are under no obligation to utilize. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange also does not believe the proposal would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges are free to introduce their own comparable data product and lower their prices to better compete with the Exchange's offering. The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposal would apply uniformly to any market participant, in that it does not differentiate between subscribers to the Open-Close Report. The proposal is modest and would allow any interested Member or non-Member to subscribe to or request such data based on their business needs.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,<sup>25</sup> and Rule

19b-4(f)(2)<sup>26</sup> thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-EMERALD-2021-28 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to File Number SR-EMERALD-2021-28. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments

<sup>22</sup> See *supra* notes 9 and 10.

<sup>23</sup> See *supra* note 9.

<sup>24</sup> See, e.g., Cboe Options Fees Schedule, Livevol Fees, Open-Close Data. See also Nasdaq ISE Options 7 Pricing Schedule, Section 10.A and Nasdaq PHLX Options 7 Pricing Schedule, Section 10, PHLX Options Trade Outline ("PHOTO").

<sup>25</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>26</sup> 17 CFR 240.19b-4(f)(2).

received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions.

You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-EMERALD-2021-28 and should be submitted on or before October 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>27</sup>

**J. Matthew DeLesDernier,**  
Assistant Secretary.

[FR Doc. 2021-20452 Filed 9-21-21; 8:45 am]

BILLING CODE 8011-01-P

## DEPARTMENT OF STATE

[Public Notice 11543]

### 30-Day Notice of Proposed Information Collection: Electronic Choice of Address and Agent

**ACTION:** Notice of request for public comment and submission to OMB of proposed collection of information.

**SUMMARY:** The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

**DATES:** Submit comments up to October 22, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument, and supporting documents, to A. Lages at [PRA\\_BurdenComments@state.gov](mailto:PRA_BurdenComments@state.gov) or (202) 485-7586.

#### SUPPLEMENTARY INFORMATION:

• *Title of Information Collection:* Electronic Choice of Address and Agent.

- *OMB Control Number:* 1405-0186.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* CA/VO.
- *Form Number:* DS-261.
- *Respondents:* Beneficiaries of approved immigrant visa petitions.
- *Estimated Number of Respondents:* 11,000.
- *Estimated Number of Responses:* 11,000.
- *Average Time per Response:* 10 minutes.
- *Total Estimated Burden Time:* 1,833 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

#### Abstract of Proposed Collection

The DS-261 allows the beneficiary of an approved and current immigrant visa petition to provide the Department with his or her preferred email address, which will be used for communications with the beneficiary. The DS-261 also allows the beneficiary to appoint an agent to receive mailings from the National Visa Center (NVC) and assist in the filing of various application forms and/or paying the required fees. The beneficiary is not required to appoint an agent but must provide current contact information. All cases will be held at NVC until the DS-261 is electronically submitted to the Department.

## Methodology

Applicants will complete the form online and submit it electronically to the Department.

**Julie M. Stuft,**

Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2021-20472 Filed 9-21-21; 8:45 am]

BILLING CODE 4710-06-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2011-0389; FMCSA-2012-0050; FMCSA-2014-0381; FMCSA-2015-0117; FMCSA-2016-0008; FMCSA-2019-0028; FMCSA-2019-0030; FMCSA-2019-0031]

#### Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 13 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have "no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV." The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

**DATES:** The exemptions are applicable on September 30, 2021. The exemptions expire on September 30, 2023. Comments must be received on or before October 22, 2021.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA-2011-0389, Docket No. FMCSA-2012-0050, Docket No. FMCSA-2014-0381, Docket No. FMCSA-2015-0117, Docket No. FMCSA-2016-0008, Docket No. FMCSA-2019-0028, Docket No. FMCSA-2019-0030, or Docket No. FMCSA-2019-0031 using any of the following methods:

- *Federal eRulemaking Portal:* Go to [www.regulations.gov/](http://www.regulations.gov/), insert the docket number, FMCSA-2011-0389, FMCSA-2012-0050, FMCSA-2014-0381,

<sup>27</sup> 17 CFR 200.30-3(a)(12).

FMCSA–2015–0117, FMCSA–2016–0008, FMCSA–2019–0028, FMCSA–2019–0030, or FMCSA–2019–0031 in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click on the “Comment” button. Follow the online instructions for submitting comments.

- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.

- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

#### **SUPPLEMENTARY INFORMATION:**

### **I. Public Participation**

#### *A. Submitting Comments*

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2011–0389, Docket No. FMCSA–2012–0050, Docket No. FMCSA–2014–0381, Docket No. FMCSA–2015–0117, Docket No. FMCSA–2016–0008, Docket No. FMCSA–2019–0028, Docket No. FMCSA–2019–0030, or Docket No. FMCSA–2019–0031), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to [www.regulations.gov/](http://www.regulations.gov/), insert the docket

number, FMCSA–2011–0389, FMCSA–2012–0050, FMCSA–2014–0381, FMCSA–2015–0117, FMCSA–2016–0008, FMCSA–2019–0028, FMCSA–2019–0030, or FMCSA–2019–0031 in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, click the “Comment” button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

#### *B. Viewing Comments*

To view comments go to [www.regulations.gov](http://www.regulations.gov). Insert the docket number, FMCSA–2011–0389, FMCSA–2012–0050, FMCSA–2014–0381, FMCSA–2015–0117, FMCSA–2016–0008, FMCSA–2019–0028, FMCSA–2019–0030, or FMCSA–2019–0031 in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

#### *C. Privacy Act*

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.transportation.gov/privacy](http://www.transportation.gov/privacy).

### **II. Background**

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds

such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver’s medical certification.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria<sup>1</sup> to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

The 13 individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in § 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

### **III. Request for Comments**

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

### **IV. Basis for Renewing Exemptions**

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 13 applicants has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The 13 drivers in this notice remain in good standing with the

<sup>1</sup> These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy*: § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System and the Motor Carrier Management Information System are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

As of September 30, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 13 individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Ronald Boogay (NJ)  
 Todd Brock (CO)  
 Gary Cox (TX)  
 Douglas Day (IN)  
 Tina Farmer (PA)  
 Jim Hughes (WA)  
 David Kietzman (WI)  
 Brian Kinkade (MO)  
 Charles McCarthy (MA)  
 Ryan Moore (NC)  
 Tye Moore (TN)  
 William Rainer, III (TX)  
 Jerel Sayers (ID)

The drivers were included in docket number FMCSA–2011–0389, FMCSA–2012–0050, FMCSA–2014–0381, FMCSA–2015–0117, FMCSA–2016–0008, FMCSA–2019–0028, FMCSA–2019–0030, or FMCSA–2019–0031. Their exemptions are applicable as of September 30, 2021 and will expire on September 30, 2021.

## V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must remain seizure-free and maintain a stable treatment during the 2-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified ME, as defined by § 390.5; and (4) each driver must provide a copy of the annual

medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

## VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

## VII. Conclusion

Based on its evaluation of the 13 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8). In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,

*Associate Administrator for Policy.*

[FR Doc. 2021–20454 Filed 9–21–21; 8:45 am]

BILLING CODE 4910–EX–P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2021–0125]

### Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Keep Truckin, Inc.

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Transportation (DOT).

**ACTION:** Notice of application for exemption; request for comments.

**SUMMARY:** FMCSA requests public comment on an application for exemption from Keep Truckin, Inc. (KeepTruckin) to allow its AI Dashcam system, which is equipped with cameras, to be mounted lower in the windshield on commercial motor vehicles than is currently permitted.

**DATES:** Comments must be received on or before October 22, 2021.

**ADDRESSES:** You may submit comments identified by Docket Number FMCSA–2021–0125 using any of the following methods:

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov/search/docket?filter=FMCSA-2021-0125>.
- **Mail:** Docket Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- **Hand Delivery or Courier:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.
- **Fax:** (202) 493–2251.

**FOR FURTHER INFORMATION CONTACT:** Mr. José R. Cestero, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–5541, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

## SUPPLEMENTARY INFORMATION:

### I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

#### Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA 2021–0125), indicate the specific section of this document to which the comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/search?filter=FMCSA-2021-0125>, look for the reviewed document and click on the “Comment” button. Type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

#### *Viewing Comments and Documents*

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov/search/docket?filter=FMCSA-2021-0125> and select the comments or documents tab. If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Docket Operations.

#### *Privacy Act*

DOT solicits comments from the public to better inform its regulatory processes, in accordance with statute 49 U.S.C. 31315(b)(6)(A). DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL 14—Federal Docket Management System), which can be reviewed at [www.transportation.gov/privacy](http://www.transportation.gov/privacy).

## **II. Legal Basis**

FMCSA has authority under 49 U.S.C. 31315(b) to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request. The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305). The

decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must specify the effective period of the exemption (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.315(c) and 49 CFR 381.300(b)).

### **KeepTruckin's Application for Exemption**

The FMCSRs require devices meeting the definition of “vehicle safety technology” to be mounted (1) not more than 4 inches below the upper edge of the area swept by the windshield wipers, or (2) not more than 7 inches above the lower edge of the area swept by the windshield wipers, and outside the driver's sight lines to the road and highway signs and signals. KeepTruckin has applied for an exemption from 49 CFR 393.60(e)(1) to allow its AI Dashcam system, which is equipped with camera(s) and safety technologies, to be mounted lower in the windshield than is currently permitted. A copy of the exemption application is included in the docket referenced at the beginning of this notice.

### **Request for Comments**

In accordance with 49 U.S.C. 31315(b)(6), FMCSA requests public comment from all interested persons on KeepTruckin's application for an exemption. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2021-20469 Filed 9-21-21; 8:45 am]

**BILLING CODE 4910-EX-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Bureau of Transportation Statistics**

[Docket ID Number DOT-OST-2014-0031]

### **Agency Information Collection: Activity Under OMB Review; Report of Financial and Operating Statistics for Small Aircraft Operators**

**AGENCY:** Office of the Assistant Secretary for Research and Technology (OST-R), Bureau of Transportation Statistics (BTS), DOT.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for extension of currently approved collection. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with the 60-day comment period soliciting comments on the following collection was published on March 19, 2021.

**DATES:** Written comments should be submitted by October 22, 2021.

**ADDRESSES:** Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: OST Desk Officer. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

#### **FOR FURTHER INFORMATION CONTACT:**

Cecelia Robinson, Office of Airline Information, RTS-42, Room E34-410, OST-R, BTS, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, Telephone Number (202) 366-4405, Fax Number (202) 366-3383 or email [cecelia.robinson@dot.gov](mailto:cecelia.robinson@dot.gov). Jennifer Rodes, Office of Airlines Information, RTS-42, Room E32-103, Telephone Number (202) 366-8513, Fax Number (202) 366-3383 or email [Jennifer.rodes@dot.gov](mailto:Jennifer.rodes@dot.gov).

#### **SUPPLEMENTARY INFORMATION:**

*OMB Approval No. 2138-0009.*

*Title:* Report of Financial and Operating Statistics for Small Aircraft Operators.

*Form No.:* BTS Form 298-C.

*Type of Review:* Extension of a currently approved collection for the financial data.



*Respondents:* Small certificated (22) and commuter air carriers (41).

*Schedule F1:*

*Number of Respondents:* 63.

*Number of Annual responses:* 252.

*Total Burden per Response:* 4 hours.

*Total Annual Burden:* 1,008 hours.

*Schedule F2:*

*Number of Respondents:* 22.

*Number of Annual responses:* 88.

*Total Burden per Response:* 12 hours.

*Total Annual Burden:* 1,056 hours.

*Needs and Uses:* Program uses for Form 298-C financial data are as follows:

### Mail Rates

The Department of Transportation sets and updates the Intra-Alaska Bush mail rates based on carrier aircraft operating expense, traffic, and operational data. Form 298-C cost data, especially fuel costs, terminal expenses, and line haul expenses are used in arriving at rate levels. DOT revises the established rates based on the percentage of unit cost changes in the carriers' operations. These updating procedures have resulted in the carriers receiving rates of compensation that more closely parallel their costs of providing mail service and contribute to the carriers' economic well-being.

### Essential Air Service

DOT often has to select a carrier to provide a community's essential air service. The selection criteria include historic presence in the community, reliability of service, financial stability, and cost structure of the air carrier.

### Carrier Fitness

Fitness determinations are made for both new entrants and established U.S. domestic carriers proposing a substantial change in operations. A portion of these applications consists of an operating plan for the first year (14 CFR part 204) and an associated projection of revenues and expenses. The carrier's operating costs, included in these projections, are compared against the cost data in Form 298-C for a carrier or carriers with the same aircraft type and similar operating characteristics. Such a review validates the reasonableness of the carrier's operating plan.

The quarterly financial submissions by commuter and small certificated air carriers are used in determining each carrier's continuing fitness to operate. Section 41738 of Title 49 of the United States Code requires DOT to find all commuter and small certificated air carriers fit, willing, and able to conduct passenger service as a prerequisite to providing such service to an eligible

essential air service point. In making a fitness determination, DOT reviews three areas of a carrier's operation: (1) The qualifications of its management team, (2) its disposition to comply with laws and regulations, and (3) its financial posture. DOT must determine whether or not a carrier has sufficient financial resources to conduct its operations without imposing undue risk on the traveling public. Moreover, once a carrier begins conducting flight operations, DOT is required to monitor its continuing fitness.

Senior DOT officials must be kept fully informed and advised of all current and developing economic issues affecting the airline industry. In preparing financial condition reports or status reports on a particular airline, financial and traffic data are analyzed. Briefing papers prepared for senior DOT officials may use the same information.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC, on June 3, 2021.

**William Chadwick, Jr.,**

*Director, Office of Airline Information,  
Bureau of Transportation Statistics.*

[FR Doc. 2021-19213 Filed 9-21-21; 8:45 am]

**BILLING CODE 4910-9X-P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Notice of OFAC Sanctions Action

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons

are generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for effective date(s).

**FOR FURTHER INFORMATION CONTACT:**

OFAC: Andrea Gacki, Director, tel.: 202-622-2490; Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Licensing, tel.: 202-622-2480; Assistant Director for Regulatory Affairs, tel.: 202-622-4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490.

**SUPPLEMENTARY INFORMATION:**

#### Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website ([www.treasury.gov/ofac](http://www.treasury.gov/ofac)).

#### Notice of OFAC Action

On September 16, 2021, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

#### Individuals

1. GURLEYEN, Soner, Istanbul, Turkey; DOB 06 JUN 1988; POB Gaziosmanpasha, Turkey; citizen Turkey; Gender Male; Identification Number 20768654918 (Turkey) (individual) [SDGT] (Linked To: AL QA'IDA).

Designated pursuant to section 1(a)(iii)(C) of Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism," 66 FR 49079, as amended by Executive Order 13886 of September 9, 2019, "Modernizing Sanctions To Combat Terrorism," 84 FR 48041 (E.O. 13224, as amended), for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, AL-QA'IDA, a person whose property and interests in property are blocked pursuant to E.O. 13224.

2. GUZEL, Cebail (a.k.a. GUZEL, Jebail), Istanbul, Turkey; DOB 10 Jul 1993; POB Gerger, Adiyaman, Turkey; nationality Turkey; Gender Male; Identification Number 17011251840 (Turkey) (individual) [SDGT] (Linked To: AL QA'IDA).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, AL-QA'IDA, a person whose property and interests in property are blocked pursuant to E.O. 13224.

3. MUSLIHAN, Nurettin, Istanbul, Turkey; DOB 20 May 1974; POB Gerger, Turkey; citizen Turkey; Gender Male; Identification Number 18931187806 (Turkey) (individual) [SDGT] (Linked To: AL QA'IDA).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having

materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, AL-QA'IDA, a person whose property and interests in property are blocked pursuant to E.O. 13224.

4. SALIM, Majdi Muhammad Muhammad (a.k.a. SALIM, Majdi), Turkey; DOB 11 May 1956; alt. DOB 1958; POB Egypt; Gender Male (individual) [SDGT] (Linked To: AL QA'IDA).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, AL-QA'IDA, a person whose property and interests in property are blocked pursuant to E.O. 13224.

5. AL-GHAZLANI, Muhammad Nasr al-Din, Turkey; DOB 06 Sep 1968; nationality Egypt; Gender Male (individual) [SDGT] (Linked To: AL QA'IDA).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, AL-QA'IDA, a person whose property and interests in property are blocked pursuant to E.O. 13224.

Dated: September 16, 2021.

**Bradley T. Smith,**

*Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.*

[FR Doc. 2021-20435 Filed 9-21-21; 8:45 am]

**BILLING CODE 4810-AL-P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Notice of OFAC Sanctions Actions

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these

persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for effective date.

#### FOR FURTHER INFORMATION CONTACT:

OFAC: Andrea Gacki, Director, tel.: 202-622-2490; Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Licensing, tel.: 202-622-2480; Assistant Director for Regulatory Affairs, tel.: 202-622-4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website ([www.treasury.gov/ofac](http://www.treasury.gov/ofac)).

##### Notice of OFAC Action

On September 17, 2021, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

##### Individuals

1. AL-SHA'IR, Ali (a.k.a. AL-SHAER, Ali), Sultanah, Bint Jbeil, Nabatieh, Lebanon; DOB 26 Jan 1967; citizen Lebanon; Additional Sanctions Information—Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; Gender Male; National ID No. 000013901514 (Lebanon) (individual) [SDGT] (Linked To: HIZBALLAH).

Designated pursuant to section 1(a)(iii)(C) of Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism," 66 FR 49079, as amended by Executive Order 13886 of September 9, 2019, "Modernizing Sanctions To Combat Terrorism," 84 FR 48041 (E.O. 13224, as amended), for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, HIZBALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224.

2. AL-SHATTI, Jamal Husayn 'Abd 'Ali 'Abd-al-Rahim (a.k.a. ALSHATTI, Jamal

Hussein Abd Ali; a.k.a. ALSHUTTI, Jamal H A A A), Kuwait; DOB 20 Aug 1964; Gender Male; Passport 004465264 (Kuwait) expires 13 Dec 2021; National ID No. 264082000213 (Kuwait) (individual) [SDGT] (Linked To: HIZBALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, HIZBALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

3. HADWAN, Hasib Muhammad (a.k.a. HADWAN, Hasib; a.k.a. "ZAYN, Hajj"; a.k.a. "ZAYN, Hajj Mustafa"; a.k.a. "ZEIN, Hajj"), Lebanon; DOB 1959; POB Hazin, Lebanon; Additional Sanctions Information—Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; Gender Male; National ID No. 2288073 (Lebanon) (individual) [SDGT] (Linked To: HIZBALLAH).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for having been owned, controlled, or directed by, or to have acted or purported to act for or on behalf of, directly or indirectly, HIZBALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

4. ISMAIL, Talib Husayn Ali Jarak, Block 8, Street 20, House No. 33, Jabriya, Kuwait; Street 21, Salem Al Mubarak Avenue, Block 20, Building 13, Salmiya, Kuwait; PO Box 3390, Safat 13034, Kuwait City, Kuwait; PO Box 126, Safat 13002, Kuwait City, Kuwait; Block 8, Street 103, Building 33, Apartment 33, Jabriya, Kuwait; Mubarak Al Kabir, Darwaza Abdul Razak Square, Kuwait City, Kuwait; DOB 30 Apr 1956; POB Kuwait City, Kuwait; VisaNumberID 35458806 (United States) expires 22 Apr 2011; alt. VisaNumberID C5288096 (United States) expires 25 Sep 2020 (individual) [SDGT] (Linked To: HIZBALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, HIZBALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

Dated: September 17, 2021.

**Bradley T. Smith,**

*Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.*

[FR Doc. 2021-20479 Filed 9-21-21; 8:45 am]

**BILLING CODE 4810-AL-P**



# FEDERAL REGISTER

---

Vol. 86

Wednesday,

No. 181

September 22, 2021

---

## Part II

### Federal Communications Commission

---

47 CFR Part 1

Assessment and Collection of Regulatory Fees for Fiscal Year 2021; Final Rule

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[MD Docket No. 21–190; FCC 21–98; FRS 46814]

### Assessment and Collection of Regulatory Fees for Fiscal Year 2021

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission revises its Schedule of Regulatory Fees to recover an amount of \$374,000,000 that Congress has required the Commission to collect for fiscal year 2021. Section 9 of the Communications Act of 1934, as amended, provides for the annual assessment and collection of regulatory fees under respectively.

**DATES:** Effective September 22, 2021. To avoid penalties and interest, regulatory fees should be paid by the due date of September 24, 2021.

**FOR FURTHER INFORMATION CONTACT:** Roland Helvajian, Office of Managing Director at (202) 418–0444.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, FCC 21–98, MD Docket No. 21–190, adopted on August 25, 2021 and released on August 26, 2020. The full text of this document is available for public inspection by downloading the text from the Commission's website at [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2017/db0906/FCC-17-111A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0906/FCC-17-111A1.pdf).

### I. Administrative Matters

#### A. Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980 (RFA), the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) relating to this *Report and Order*. The FRFA is located at the end of this document.

#### B. Final Paperwork Reduction Act of 1995 Analysis

2. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

#### C. Congressional Review Act

2. The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs that these rules are non-major under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of this Report & Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

3. In this *Report and Order*, we adopt a schedule to collect the \$374,000,000 in congressionally required regulatory fees for fiscal year (FY) 2021. The regulatory fees for all payors are due on September 24, 2021.

4. This *Report and Order* addresses the issues that were raised in the *FY 2021 Notice of Proposed Rulemaking* including: (i) The use of non-geographic numbers in the calculation of the number of subscribers for each commercial mobile radio service (CMRS) provider; (ii) ending our phase-in of direct broadcast satellite (DBS) regulatory fees, and have the Media Bureau-based DBS regulatory fee category to be in the same fee category as cable television and internet Protocol Television (IPTV); (iii) continuing to assess regulatory fees for full service broadcast television on population-based methodology that we used for FY 2020, including changes that we adopted previously for stations in Puerto Rico; (iv) apportioning NGSO regulatory fees between the new NGSO fee subcategories for “less complex” NGSO systems and “other” NGSO systems, taking into account the relative benefits provided to them from our oversight and regulatory activities; and (v) extending our streamlined waiver provisions adopted in FY 2020 for FY 2021. These issues are discussed below.

### II. Report and Order

#### A. Issues Raised by Commenters

5. **Broadband DATA Act Implementation.** As part of our FY 2021 appropriation, Congress directed the Commission to assess and collect \$374 million in regulatory fees, of which \$33 million is to be made available for implementing the Broadband DATA Act. Among other things, the Broadband DATA Act requires the Commission to collect standardized, granular data on the availability and quality of both fixed and mobile broadband internet access services, to create a common dataset of all locations where fixed broadband internet access service can be installed (the Fabric), and to create publicly available coverage maps.

6. Several commenters representing the broadcast industry object to the assessment on broadcasters of any portion of the \$33 million designated by Congress to cover the costs of implementation of the Broadband DATA Act as part of the Commission's FY 2021 appropriation. They argue that broadcasters are not regulated by nor do they benefit from implementation of the Broadband DATA Act. Specifically, that these Broadband DATA Act costs are not overhead costs because they pertain only to certain Commission core bureaus and identifiable entities, namely, broadband service providers, that are regulated by and benefit from the Commission's activities implementing the legislation.

7. Therefore, we adjust the Commission's approach to account for the unusual circumstances accompanying the Broadband DATA Act earmark. While we categorize the costs of implementation of the Broadband DATA Act as indirect costs consistent with our normal methodology, in this limited instance, given the one-time nature and magnitude of the earmark, the statutory text, the legislative history, and the record in this proceeding, we exclude one group of regulatees—broadcasters or “Media Services” licensees—from their share of these indirect costs. While we modify our methodology here with respect to the \$33 million earmark, this one-time modification is consistent with the Commission's longstanding goals of implementing a fair, sustainable, and administrable regulatory fee regime.

8. **Auction FTEs.** Several commenters contend that the Commission should include auctions FTEs in the calculation of indirect and overhead expenses. In other words, excluding Wireless Telecommunications Bureau FTEs who work on auction issues artificially depresses the costs attributable to the wireless industry and, disadvantages Media Bureau regulatees, as the Media Bureau has substantially fewer of its FTEs classified as auction employees. We find, however, that including auctions FTEs would be inconsistent with section 9 of the Act and therefore decline to accept this proposal. Section 9 of the Communications Act requires the Commission to assess and collect regulatory fees to recover the costs of carrying out the Commission's functions equal to the amount of the Commission's salaries and expenses appropriations each fiscal year. Auctions FTEs are not included in the calculation of regulatory fees because our methodology excludes all auction-related FTEs and their overhead from the regulatory fee calculations. Auctions

expenses are separately funded and not part of the Commission's appropriation supported by regulatory fees. The Commission recovers the costs of developing and implementing its section 309(j) spectrum auctions program as an offsetting collection against auction proceeds and subject to an annual cap.

9. *Office of Engineering and Technology Activities.* Commenters contend that the Commission should require users of unlicensed spectrum and/or equipment manufacturers to pay regulatory fees to support the Commission's Office of Engineering and Technology's (OET's) work on the management of spectrum for unlicensed use and authorization of equipment. We decline the commenters' request to revisit our fundamental regulatory fees methodology, and their proposal to create one or more new regulatory fee payor categories consisting of unlicensed spectrum users and/or equipment manufacturers, which under our current methodology would effectively transform OET into a "core bureau" and transform OET FTEs into "direct" FTEs. The Commission has not treated OET as a core bureau and has considered its FTEs' work to be "indirect" activities for which all payors of regulatory fees have been responsible.

10. *Exempt Noncommercial Stations.* A broadcast commenter contends that broadcasters should not be responsible for the regulatory fees of exempt noncommercial stations. The RAY BAUM'S Act specifically exempted non-commercial radio and television stations from regulatory fees. And because Congress has mandated collection of regulatory fees equal to the annual appropriation, the \$374 million must be collected from all non-exempt regulatory fee payors. As a result, we find it is consistent with section 9 of the Act to include those costs that are attributable to all regulatees in each bureau's revenue requirement because all of the regulatees in that fee category, whether they pay regulatory fees or not, benefit from the oversight and regulation of that bureau.

#### *B. Commercial Mobile Radio Service Regulatory Fees Calculation*

11. We adopt our proposal to include non-geographic numbers in the calculation of the number of subscribers for each Commercial Mobile Radio Service (CMRS) provider. The inclusion of non-geographic numbers does not increase the total amount collected from the CMRS industry but will reduce the per subscriber fee. In the *FY 2021 NPRM*, we determined that, with the inclusion of non-geographic numbers,

there would be 504 million payment units, and the estimated regulatory fee would be 15 cents per subscriber. As we explained in the *FY 2021 NPRM*, non-geographic numbers are assigned numbers but not associated with any particular geographic area. They are included in Numbering Resource Utilization Forecast (NRUF) Report data and fall within the definition of assigned numbers. Historically, non-geographic numbers were commonly used for "follow me" services, which allowed a consumer to receive a call at different locations, and were not used for independent subscribers. For that reason, the Commission did not previously include these numbers in the CMRS subscriber count estimates because it would result in double counting of subscribers. More recently, however, non-geographic numbers are increasingly used for machine-to-machine calling, such as wireless alarm monitoring and car emergency services subscriptions. Therefore, counting non-geographic numbers for regulatory fee purposes is no longer duplicative of the geographic number. No commenters oppose our proposal, and we therefore adopt it.

#### *C. Direct Broadcast Satellite Fees*

12. We adopt our proposal to complete the phase-in of the DBS regulatory fee and place all DBS, cable television, and internet Protocol television (IPTV) providers in the same fee category at the same per subscriber regulatory fee. Direct Broadcast Satellite (DBS) service is a nationally distributed subscription service that delivers video and audio programming via satellite to a small parabolic "dish" antenna at the subscriber's location. DBS providers are multichannel video programming distributors (MVPDs), as defined in section 602(13) of the Act. The Media Bureau oversees the regulation of MVPDs, including the two providers of DBS in the United States: DISH Network and DIRECTV. Upon adoption of this *Report and Order*, the Commission will include cable, IPTV, and DBS in the same fee category. Commenters also request that the Commission use updated MVPD subscriber numbers that are closer in time to the release of the Commission's annual regulatory fee order. While we understand this concern, we are unable to administratively accommodate this request. Since DBS subscriber information is not reported to the Commission, it would be difficult for the Commission to permit DBS providers to pay based on their most recent subscriber count in June, for example, because this subscriber count

information would only become known to the Commission when DBS providers make their payment in late September. Therefore, we decline to make this change on the reporting date of DBS subscriber information.

#### *D. Full-Service Television Broadcaster Fees*

##### 1. *FY 2021 Regulatory Fees*

13. We adopt the use of the population-based methodology for full-service television broadcasters for FY 2021, as proposed. In FY 2020, the Commission completed the transition to a population-based full-power broadcast television regulatory fee, finding it to be more equitable. In the *FY 2021 NPRM*, we proposed adopting a factor of .8525 of one cent (\$.008525) per population served for FY 2021 full-power broadcast television station fees. We are, however, adopting a lower fee factor, .7793 of one cent (\$.007793). This lower fee factor is a result of excluding radio and television broadcasters from the \$33 million portion of our appropriation that is earmarked for implementation of the Broadband DATA Act. The population data for each licensee and the population-based fee (population multiplied by \$.007793) for each full-power broadcast television station, including each satellite station, is listed in Table 7. Some commenters argue that the Commission's resources in oversight and regulation do not increase or decrease depending on the population served by a broadcaster, and therefore we should not base the regulatory fee on the population served. These commenters do not, however, offer an alternative proposal that would be fair and reasonable to small and large broadcasters. As we have previously stated, the Commission's methodology need not reach scientific precision, but simply be reasonable.

##### 2. *Stations in Puerto Rico*

14. We adopt the same adjustments to population count for FY 2021 for TV broadcasters in Puerto Rico that we provided those broadcasters in FY 2020. Previously, a group of broadcasters in Puerto Rico argued that our methodology overstates the population served by Puerto Rico stations because the mountainous terrain conditions result in the TVStudy overstating the population served. They also argued that significant and measurable drops in Puerto Rico's population resulting from an exodus caused in part by Hurricane Maria overstated that the population counts underlying the TVStudy. To address these concerns, in the *FY 2020 Report and Order*, the Commission

reduced the population counts used in the TVStudy by 16.9%, or the decline between the last census in 2010 and the current population estimate. Additionally, the Commission limited the market served by primary television stations and commonly owned satellite broadcast stations in Puerto Rico to no more than 3.10 million people, the latest population estimate. We find that since commenters on this issue do not oppose the Commission's actions, we adopt our proposals in the *FY 2021 NPRM* to adjust the population and to limit the market served by all stations to the total population.

#### *E. Toll-Free Numbers*

15. We decline to revise our rules and remove a Responsible Organizations (RespOrgs)'s responsibility to pay regulatory fees for toll-free numbers. Toll-free numbers allow callers to reach the called party without being charged for the call. With toll-free calls, the charge for the call is paid by the called party (the toll-free subscriber) instead. Historically, the Commission has not assessed regulatory fees on toll-free numbers under the rationale that the entities controlling the numbers, wireline and wireless carriers, were paying regulatory fees based on either revenues or subscribers. For reasons discussed in the *FY 2014 Report and Order* and the *FY 2015 Report and Order*, the Commission established a regulatory fee obligation for RespOrgs that manage toll-free numbers, beginning in FY 2015, so that toll-free numbers are allocated in an equitable and orderly manner that serves the public interest under section 251(e)(1) of the Act.

16. A commenter contends that the regulatory fee for toll-free numbers should be assessed differently for entities that are not carriers, arguing that carriers that report revenues on FCC Form 499s, should be responsible for the payment of regulatory fees. Commenter contends that clients should remit the fee to the Commission under their own FCC Registration Numbers. We disagree and continue to believe that the existing process is orderly and equitable. While we recognize that many RespOrgs offset their fee payments to the Commission by passing these fees on to their customers who use the toll-free numbers, this practice is not mandatory. The statutory responsibility for payment of the regulatory fee rests solely with the regulated entity, the RespOrg, and not with customers of the RespOrg. Therefore, it is the responsibility of the RespOrg to pay the full amount of toll-free regulatory fees to the Commission by the fee due date.

#### *F. Submarine Cable Regulatory Fees*

17. We adopt our proposal to use the same tiers for assessing fees on submarine cable operators for FY 2021 as in FY 2020, which are based on the "lit" capacity of the fiber-optic submarine cable. International bearer circuits (IBCs) consist of terrestrial and satellite circuits and submarine cable systems. Prior to 2009, IBC regulatory fees were collected based on 64 kbps circuits for each of the three types of facilities used to provide international service. In 2009, at the request of a large number of submarine cable operators ("2009 Consensus Proposal"), the Commission changed the methodology for assessing IBC fees and began to assess fees on a per cable landing license basis, with higher fees for larger submarine cable systems and lower fees for smaller submarine cable systems. The Commission concluded that this methodology served the public interest and was competitively neutral because it included both common carriers and non-common carriers. Through FY 2019, the Commission continued to assess fees for international service provided over terrestrial and satellite facilities based on a per 64 kbps basis with the proportion of 87.6% for submarine cable operators, and 12.4% for terrestrial and satellite facilities based on relative capacity at the time. Later, the Commission adopted a five-tier structure for assessing fees on submarine cables systems, with larger systems paying more based on lit capacity, and a per gigabits per second (Gbps) assessment on active circuit capacity for terrestrial and satellite facilities.

18. In the *FY 2020 Report and Order*, the Commission revised the allocation of IBC fees and adopted new tiers for the fees. The Commission concluded that a ratio attributing 95% to submarine cables and 5% to terrestrial and satellite circuits would be more reasonable than the historic ratio. The Commission found again that capacity was an appropriate measure by which to assess IBC fees. The Commission rejected the use of a flat rate for submarine cables and adjusted the tiers for submarine cables. Subsequently, in the *FY 2021 NPRM*, we proposed to use the same tiers for assessing fees on submarine cable operators as the Commission adopted in the *FY 2020 Report and Order*. We find there are no significant changes in our regulatory framework and oversight of submarine cables, or changes in the marketplace, to reevaluate our fee framework based on lit capacity. As the Commission has previously stated, lit capacity is a

reasonable basis to assess regulatory costs among the submarine cable regulatees that benefit from the Commission's work. We therefore find sufficient reason to adopt submarine cable systems fees based on lit capacity.

#### *G. Space Station Regulatory Fees*

##### *1. NGSO Regulatory Fees—Less Complex and Other*

19. In 2020, the Commission adjusted the allocation of FTEs among GSO and NGSO space station and earth station operators. The Commission noted the disparity in number of units between GSO space stations (98) and NGSO systems (seven), and observed that many space stations can be operated under a single NGSO license while counting as a single unit for regulatory fee purposes, but only one satellite can be operated per GSO space station regulatory fee unit. To ensure that regulatory fees more closely reflect the work of FTEs' oversight and regulation for each category, the Commission allocated 80% of space station regulatory fees to GSOs and 20% of the space station regulatory fees to NGSOs.

20. In the Further Notice of Proposed Rulemaking attached to the *FY 2020 Report and Order*, the Commission sought comment on adopting subcategories of NGSO systems for regulatory fee purposes. Based on comments received, we concluded that space systems planning to communicate with 20 or fewer U.S. authorized earth stations that are primarily used for Earth Exploration Satellite Service (EESS) and/or Automatic Identification System (AIS) are significantly less complex to regulate than other types of NGSO systems. We concluded that this category of "less complex" systems does in fact require fewer Commission resources for several reasons. Such systems rarely involve resource-intensive NGSO processing rounds, based on their ability to share with other operators in the requested frequency bands. The "Other" types of NGSO systems typically have a more global presence, thereby requiring significantly more resources in connection with international forums. These other NGSO systems also have significant spectrum needs and involve a variety of frequency bands, technical issues, and services, constituting a significant part of the International Bureau's NGSO work and resource allocation. We therefore adopted two new fee subcategories: "less complex" NGSO systems and all other NGSO systems identified as "other" NGSO systems, both under the broader category of "Space Stations (Non-Geostationary Orbit)" with an 20/

80 allocation within the NGSO fee category. We proposed a 20/80 allocation (in the FY 2021 NPRM) within the category of NGSO fees, with “less complex” NGSO systems responsible for 20% of NGSO regulatory fees and the remaining NGSO systems (“other”) responsible for 80% of NGSO regulatory fees.

21. Several commenters disagree generally with creating NGSO subcategories, arguing that operators should not pay differing fees based on whether an NGSO system is “less complex.” Below, we discuss the NGSO subcategories and the allocation of the NGSO fees among the NGSO subcategories.

#### a. NGSO Space Station Subcategories

22. We reject commenters’ arguments that we should not have adopted the “less complex” and “other” subcategories within the NGSO regulatory fee category. Our decision is based on the fact that commenters primarily rely on arguments that were fully considered and addressed as part of our decision in the Report and Order accompanying the *FY 2021 NPRM*, providing no new arguments or citing no new developments. Thus, our decision to create two NGSO fee subcategories incorporated elements of the specific proposals, and our decision-making process did not constitute an “abrupt reversal” or “abrupt change in direction,” but was based on a fully developed record following a notice and comment rulemaking.

23. We also disagree with the contention that we “attached misplaced significance” to application processing costs in determining the amount of Commission resources used in the oversight and regulation of NGSO systems because we took into consideration processing round procedures in concluding that certain NGSO systems require fewer Commission resources. Section 9 of the Communications Act requires the Commission to recover, through regulatory fees, the total amount of its appropriation each year. The Commission must consider all FTE time costs in recovering its regulatory fees. We perform a holistic analysis of our regulation of NGSO systems and the FTE time accorded the oversight and regulation thereof, including rulemakings benefiting those systems, which are directly relevant for purposes of assessing regulatory fees. In so doing, we look at the overall FTE time spent in oversight and regulation of the types of NGSO systems and identify examples of proceedings involving certain NGSO systems.

24. Finally, we reject commenters’ allegations that the consideration of earth stations is overly simplistic. Comparative complexity in earth station siting and licensing is not relevant to our analysis to determine whether an NGSO space system is less complex to regulate. Regulatory fees for earth stations are separately assessed from space stations fees. Although individual earth station applications may differ in terms of Commission resources required to process, those activities are not relevant to determine whether a space system planning to communicate with such an earth station is a complex system or not. Similarly, we disagree with arguments that space station systems communicating with larger numbers of earth stations are not likely to require more Commission oversight and regulatory activities. While an earth station blanket license application for technically-identical user terminals may in some instances be fairly easily processed, the ongoing activities associated with regulating the corresponding NGSO space station system will be more intensive, because the number of earth stations is an indicator that the space system itself is more complex. Furthermore, we also disagree with the contention that our consideration of numbers of earth stations presupposes that EESS systems require no more than 20 earth stations to support their network. Our experience has shown that authorized EESS systems typically communicate with fewer than 20 earth stations in the United States, and takes into account earth stations owned and operated by a third party that communicate with a particular NGSO system. As indicated, we are using “fewer than 20 earth stations” as a proxy and at the application stage, if we determine that a space system is planning to communicate with more than 20 earth stations based on the system design, such system design and plans would indicate that the space system would not fall into the “less complex” system category for regulatory fee purposes. Nothing in the record, or our analysis of the resources the International Bureau devotes to NGSO oversight and regulation, demonstrates that we erred in adopting an additional NGSO space station regulatory fee category for “less complex” NGSO systems.

#### b. 20/80 NGSO Regulatory Fee Allocation

25. We adopt our proposal from the *FY 2021 NPRM* to allocate 20% of NGSO regulatory fees to “less complex” NGSO systems and 80% of NGSO regulatory fees to “other” NGSO

systems. In so doing, we consider the record, our experience, and analysis of the time International Bureau FTEs devote to oversight and regulation of “less complex” and “other” NGSO systems. While some commenters agree with the 20/80 allocation, others disagree. Many of those commenters disagree with the underlying creation of the “less complex” NGSO fee category, as adopted. The Commission considered various aspects of the Commission’s oversight and the amount of FTE time devoted to the subcategories of NGSOs, specifically on the number of applications processed, the number of changes made to the Commission’s rules, and the number of FTEs working on oversight for each category of operators. Here, in evaluating the FTE time devoted to the subcategories to develop the proposed 20/80 allocation, we considered the adjudicatory role of the Commission in connection with different types of NGSO systems—which is typically more intensive for those systems authorized as part of processing rounds. We also considered the number of rulemakings over the last several years, as well as current rulemakings, and which types of NGSO systems were implicated in those rulemaking activities, and we considered the various international activities that Commission staff engage in and how those activities benefit the different types of NGSO systems. We then considered the number of FTEs typically working on processing round issues/adjudications on an ongoing basis, compared the number of FTEs working on various rulemakings, and considered the number of FTEs in the International Bureau that engage in various international activities and forums, and the extent to which such activities benefit each category of NGSO system. Our allocation percentage is based on our quantitative experience (approximate numbers of FTE hours spent in a year) and expert judgement, and such calculation remains to be the best approximation of our FTE cost allocation at this time, based on the record before us. The fees must be administrable, and we note again that the Commission’s methodology need not reach scientific precision and instead must simply be reasonable.

#### 2. NGSO Regulatory Fees—Satellites Authorized Under Multiple Call Signs

26. We find it premature to make a determination how the Commission’s regulatory fees should apply to NGSO satellites operating as an integrated NGSO system, but authorized under multiple call signs. Several commenters to the *FY 2021 NPRM* asked us to clarify



whether NGSO satellites operating as an integrated NGSO system, but authorized under multiple call signs, should be considered part of the same system—and therefore be assessed a single regulatory fee. Specifically, commenters suggest that the Commission should consider NGSO satellites operating as part of the system—but authorized under multiple call signs (even by different operators)—as one “system” for purposes of NGSO regulatory fees. The Commission does not currently have any authorized NGSO systems that fit the description of a multi-regulatee/multi-call sign NGSO system. The answer is likely to be fact-specific, and involve a determination of what exactly constitutes an NGSO “system” and where the space stations in the “system” are operated by different entities. In the case of GSO space stations, it is clear when there are multiple licensees associated with the same physical satellite. The situation is less clear for NGSO systems because the situation could quickly become factually complex where different space stations in the “system” are described as attributable to different entities for regulatory fee purposes. We will continue to apply the general presumption that NGSO systems operated by different licensees or market access grantees constitute different NGSO systems.

#### *H. Flexibility for Regulatory Payors Due to COVID-19 Pandemic*

27. As proposed in the *FY 2021 NPRM*, we extend the temporary COVID-19 regulatory fee relief measures that were implemented in our *FY 2020 Report and Order*. Last year, the Commission adopted certain relief measures to address concerns raised by commenters about financial hardship caused by the COVID-19 pandemic. Comments received in response to the *FY 2021 NPRM* indicate that the financial hardship caused by the pandemic have continued into the 2021 fiscal year. Accordingly, we find good reason to continue the same relief measures we adopted in *FY 2020* for *FY 2021*.

28. Specifically, for *FY 2021*, we again waive section 1.1166 of our rules, to the extent necessary, to permit parties seeking regulatory fee waiver, deferral and/or installment payment relief for financial hardship reasons related to the pandemic. Those parties may make a single request for all forms of relief sought, whether in combination or in the alternative, and may submit all such requests for relief electronically to the Commission via a dedicated email address. For *FY 2021*, the email address

is [2021regfeerelief@fcc.gov](mailto:2021regfeerelief@fcc.gov).

Additionally, we partially waive our red-light rule to allow debtors that are experiencing financial hardship to nonetheless request relief with respect to their regulatory fees. As we provided in *FY 2020*, however, such regulatees are required to resolve all delinquent debt by paying it in full, entering into an installment agreement to repay it, and/or if applicable, curing all payment and other defaults under existing installment agreements. We believe the existing waiver standard together with the measures described above will work as designed, to provide fee relief to those regulatees most in need.

29. Regulatees whose businesses have been hurt by the pandemic, but not to the extent required to receive a waiver, reduction, or deferral, may be eligible to pay their *FY 2021* fees in installments under section 1.1914 of our rules. For those regulatees, we exercise our discretion under section 3717(a) of the Debt Collection Improvement Act of 1996, as amended, to reduce the interest rate the Commission charges on installments payments to a nominal rate and we suspend our down payment requirement. We also recognize that demonstrating financial hardship caused by the pandemic may require different financial documentation than the documentation the Commission has traditionally accepted. While the burden of proving financial hardship remains with the party requesting it, we again direct the Managing Director to work with individual regulatees that have filed requests if additional documents are needed to render a decision on the request. Finally, we direct the Managing Director to release one or more public notices describing in more detail the relief we have described herein.

We remind regulatees that we cannot relax the standard for granting a waiver or deferral of fees, penalties, or other charges for late payment of regulatory fees under section 9A of the Act. Under the statute, the Commission may only waive a regulatory fee, penalty or interest if it finds there is good cause for the waiver and that the waiver is in the public interest. The Commission has only granted financial hardship waivers when the requesting party has shown it “lacks sufficient funds to pay the regulatory fees and to maintain its service to the public.” Other statutory limitations include that the Commission must act on waiver requests individually, and cannot extend the deadline we set for payment of fees beyond September 30.

### **III. Procedural Matters**

30. Included below are procedural items as well as our current payment and collection methods.

31. *Credit Card Transaction Levels*. In accordance with *Treasury Financial Manual*, Volume I, Part 5, Chapter 7000, Section 7045—*Limitations on Card Collection Transactions*, the highest amount that can be charged on a credit card for transactions with federal agencies is \$24,999.99. Transactions greater than \$24,999.99 will be rejected. This limit applies to single payments or bundled payments of more than one bill. Multiple transactions to a single agency in one day may be aggregated and treated as a single transaction subject to the \$24,999.99 limit. Customers who wish to pay an amount greater than \$24,999.99 should consider available electronic alternatives such as Visa or MasterCard debit cards, ACH debits from a bank account, and wire transfers. Each of these payment options is available after filing regulatory fee information in Fee Filer. Further details will be provided regarding payment methods and procedures at the time of *FY 2021* regulatory fee collection in Fact Sheets, <https://www.fcc.gov/regfees>.

32. *Payment Methods*. Pursuant to an Office of Management and Budget (OMB) directive, the Commission is moving towards a paperless environment, extending to disbursement and collection of select federal government payments and receipts. In 2015, the Commission stopped accepting checks (including cashier's checks and money orders) and the accompanying hardcopy forms (e.g., Forms 159, 159-B, 159-E, 159-W) for the payment of regulatory fees. During the fee season for collecting regulatory fees, regulatees can pay their fees by credit card through Pay.gov, ACH, debit card, or by wire transfer. Additional payment instructions are posted on the Commission's website at <http://transition.fcc.gov/fees/regfees.html>. The receiving bank for all wire payments is the U.S. Treasury, New York, NY (TREAS NYC). Any other form of payment (e.g., checks, cashier's checks, or money orders) will be rejected. For payments by wire, a Form 159-E should still be transmitted via fax so that the Commission can associate the wire payment with the correct regulatory fee information. The fax should be sent to the Federal Communications Commission at (202) 418-2843 at least one hour before initiating the wire transfer (but on the same business day) so as not to delay crediting their account. Regulatees should discuss arrangements (including bank closing

schedules) with their bankers several days before they plan to make the wire transfer to allow sufficient time for the transfer to be initiated and completed before the deadline. Complete instructions for making wire payments are posted at <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.

33. *De Minimis Regulatory Fees, Section 9(e)(2) Exemption.* Under the de minimis rule, and pursuant to our analysis under section 9(e)(2) of the Act, a regulatee is exempt from paying regulatory fees if the sum total of all of its annual regulatory fee liabilities is \$1,000 or less for the fiscal year. The de minimis threshold applies only to filers of annual regulatory fees, not regulatory fees paid through multi-year filings, and it is not a permanent exemption. Each regulatee will need to reevaluate the total annual fee liability each fiscal year to determine whether it meets the de minimis exemption.

34. *Standard Fee Calculations and Payment Dates.* The Commission will accept fee payments made in advance of the window for the payment of regulatory fees. The responsibility for payment of fees by service category is as follows:

- *Media Services:* Regulatory fees must be paid for initial construction permits that were granted on or before October 1, 2020 for AM/FM radio stations, VHF/UHF broadcast television stations, and satellite television stations. Regulatory fees must be paid for all broadcast facility licenses granted on or before October 1, 2020.

- *Wireline (Common Carrier) Services:* Regulatory fees must be paid for authorizations that were granted on or before October 1, 2020. In instances where a permit or license is transferred or assigned after October 1, 2020, responsibility for payment rests with the holder of the permit or license as of the fee due date. Audio bridging service providers are included in this category. For Responsible Organizations (RespOrgs) that manage Toll Free Numbers (TFN), regulatory fees should be paid on all working, assigned, and reserved toll free numbers as well as toll free numbers in any other status as defined in section 52.103 of the Commission's rules. The unit count should be based on toll free numbers managed by RespOrgs on or about December 31, 2020.

- *Wireless Services:* CMRS cellular, mobile, and messaging services (fees based on number of subscribers or telephone number count): Regulatory fees must be paid for authorizations that were granted on or before October 1, 2020. The number of subscribers, units, or telephone numbers on December 31,

2020 will be used as the basis from which to calculate the fee payment. In instances where a permit or license is transferred or assigned after October 1, 2020, responsibility for payment rests with the holder of the permit or license as of the fee due date.

- *Wireless Services, Multi-year fees:* The first eight regulatory fee categories in our Schedule of Regulatory Fees pay "small multi-year wireless regulatory fees." Entities pay these regulatory fees in advance for the entire amount period covered by the ten-year terms of their initial licenses, and pay regulatory fees again only when the license is renewed, or a new license is obtained. We include these fee categories in our rulemaking to publicize our estimates of the number of "small multi-year wireless" licenses that will be renewed or newly obtained in FY 2021.

- *Multichannel Video Programming Distributor Services (cable television operators, CARS licensees, DBS, and IPTV):* Regulatory fees must be paid for the number of basic cable television subscribers as of December 31, 2020. Regulatory fees also must be paid for CARS licenses that were granted on or before October 1, 2020. In instances where a permit or license is transferred or assigned after October 1, 2020, responsibility for payment rests with the holder of the permit or license as of the fee due date. For providers of DBS service and IPTV-based MVPDs, regulatory fees should be paid based on a subscriber count on or about December 31, 2020. In instances where a permit or license is transferred or assigned after October 1, 2020, responsibility for payment rests with the holder of the permit or license as of the fee due date.

- *International Services (Earth Stations and Space Stations):* Regulatory fees must be paid for (1) earth stations and (2) geostationary orbit space stations and non-geostationary orbit satellite systems that were licensed and operational on or before October 1, 2020. In instances where a permit or license is transferred or assigned after October 1, 2020, responsibility for payment rests with the holder of the permit or license as of the fee due date.

- *International Services (Submarine Cable Systems, Terrestrial and Satellite Services):* Regulatory fees for submarine cable systems are to be paid on a per cable landing license basis based on lit circuit capacity as of December 31, 2020. Regulatory fees for terrestrial and satellite IBCs are to be paid based on active (used or leased) international bearer circuits as of December 31, 2020 in any terrestrial or satellite transmission facility for the provision of

service to an end user or resale carrier. When calculating the number of such active circuits, entities must include circuits used by themselves or their affiliates. For these purposes, "active circuits" include backup and redundant circuits as of December 31, 2020. Whether circuits are used specifically for voice or data is not relevant for purposes of determining that they are active circuits. In instances where a permit or license is transferred or assigned after October 1, 2020, responsibility for payment rests with the holder of the permit or license as of the fee due date.

35. *Commercial Mobile Radio Service (CMRS) and Mobile Services Assessments.* The Commission compiled data from the Numbering Resource Utilization Forecast (NRUF) report that is based on "assigned" telephone number (subscriber) counts that have been adjusted for porting to net Type 0 ports ("in" and "out"). We have included non-geographic numbers in the calculation of the number of subscribers for each CMRS provider in Tables 2 and the CMRS regulatory fee rate in Table 3. CMRS provider regulatory fees are calculated and should be paid based on the inclusion of non-geographic numbers. CMRS providers can adjust the total number of subscribers, if needed. This information of telephone numbers (subscriber count) will be posted on the Commission's electronic filing and payment system (Fee Filer).

36. A carrier wishing to revise its telephone number (subscriber) count can do so by accessing Fee Filer and follow the prompts to revise their telephone number counts. Any revisions to the telephone number counts should be accompanied by an explanation or supporting documentation. The Commission will then review the revised count and supporting documentation and either approve or disapprove the submission in Fee Filer. If the submission is disapproved, the Commission will contact the provider to afford the provider an opportunity to discuss its revised subscriber count and/or provide additional supporting documentation. If we receive no response from the provider, or we do not reverse our initial disapproval of the provider's revised count submission, the fee payment must be based on the number of subscribers listed initially in Fee Filer. Once the timeframe for revision has passed, the telephone number counts are final and are the basis upon which CMRS regulatory fees are to be paid. Providers can view their final telephone counts online in Fee

Filer. A final CMRS assessment letter will not be mailed out.

37. Because some carriers do not file the NRUF report, they may not see their telephone number counts in Fee Filer. In these instances, the carriers should compute their fee payment using the standard methodology that is currently in place for CMRS Wireless services (*i.e.*, compute their telephone number counts as of December 31, 2020), and submit their fee payment accordingly. Whether a carrier reviews its telephone number counts in Fee Filer or not, the Commission reserves the right to audit the number of telephone numbers for which regulatory fees are paid. In the event that the Commission determines that the number of telephone numbers that are paid is inaccurate, the Commission will bill the carrier for the difference between what was paid and what should have been paid.

38. *Effective Date.* Providing a 30-day period after **Federal Register** publication before this Report and Order and Notice of Proposed Rulemaking,

becomes effective as normally required by 5 U.S.C. 553(d) will not allow sufficient time to collect the FY 2021 fees before FY 2021 ends on September 30, 2021. For this reason, pursuant to 5 U.S.C. 553(d)(3), we find there is good cause to waive the requirements of section 553(d), and this Report and Order and Notice of Proposed Rulemaking will become effective upon publication in the **Federal Register**. Because payments of the regulatory fees will not actually be due until late September, persons affected by the Report and Order will still have a reasonable period in which to make their payments and thereby comply with the rules established herein.

39. *Final Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act of 1980 (RFA) the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) relating to this Report and Order. The FRFA is contained in the back of this document.

40. *Paperwork Reduction Act of 1995 Analysis.* This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

41. *Congressional Review Act.* The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs that these rules are non-major under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of this Report and Order and Notice of Proposed Rulemaking to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

#### List of Tables

TABLE 1—LIST OF COMMENTERS

Name of commenter	Abbreviated name
Amazon Web Services, Inc .....	AWS.
ATL Communications, Inc .....	ATL.
DISH Network L.L.C and AT&T Services, Inc .....	DISH and DIRECTV.
Iridium Communications Inc .....	Iridium.
Kepler Communications Inc .....	Kepler.
Myriota Pty. Ltd .....	Myriota.
National Association of Broadcasters .....	NAB.
NCTA—The Internet & Television Association and ACA Connects—America's Communications Association .....	NCTA and ACA Connects.
Planet Labs, Inc .....	Planet.
Space Exploration Holdings, LLC .....	SpaceX.
Spanish Broadcasting System Holding Company, Inc. and Televiscentro of Puerto Rico, LLC .....	SBS and Televiscentro.
Cable & Wireless Networks; GlobeNet Cabos Submarinos America, Inc.; GU Holdings Inc., an indirect, wholly-owned subsidiary of Google LLC; Hawaiki Submarine Cable USA LLC; SETAR; and Tata Communications (Americas), Inc. ....	Submarine Cable Coalition.
Telesat Canada. Space Exploration Holdings, LLC, Kepler Communications Inc., and WorldVu Satellites Limited (d/b/a OneWeb).	NGSO Satellite Coalition.

LIST OF REPLY COMMENTERS

Name of reply commenter	Abbreviated name
Alabama Broadcasters Association, Alaska Broadcasters Association, Arizona Broadcasters Association, Arkansas Broadcasters Association, California Broadcasters Association, Connecticut Broadcasters Association, Florida Association of Broadcasters, Georgia Association of Broadcasters, Hawaii Association of Broadcasters, Idaho State Broadcasters Association, Illinois Broadcasters Association, Indiana Broadcasters Association, Iowa Broadcasters Association, Kansas Association of Broadcasters, Kentucky Broadcasters Association, Louisiana Association of Broadcasters, Maine Association of Broadcasters, MD/DC/DE Broadcasters Association, Massachusetts Broadcasters Association, Michigan Association of Broadcasters, Minnesota Broadcasters Association, Mississippi Association of Broadcasters, Missouri Broadcasters Association, Montana Broadcasters Association, Nebraska Broadcasters Association, Nevada Broadcasters Association, New Hampshire Association of Broadcasters, New Jersey Broadcasters Association, New Mexico Broadcasters Association, The New York State Broadcasters Association, Inc., North Carolina Association of Broadcasters, North Dakota Broadcasters Association, Ohio Association of Broadcasters, Oklahoma Association of Broadcasters, Oregon Association of Broadcasters, Pennsylvania Association of Broadcasters, Radio Broadcasters Association of Puerto Rico, Rhode Island Broadcasters Association, South Carolina Broadcasters Association, South Dakota Broadcasters Association, Tennessee Association of Broadcasters, Texas Association of Broadcasters, Utah Broadcasters Association, Vermont Association of Broadcasters, Virginia Association of Broadcasters, Washington State Association of Broadcasters, West Virginia Broadcasters Association, Wisconsin Broadcasters Association, and Wyoming Association of Broadcasters.	State Broadcasters Associations.
American General Media .....	AGM.

## LIST OF REPLY COMMENTERS—Continued

Name of reply commenter	Abbreviated name
AGM California, Inc., AGM-Nevada, L.L.C., Brayden Madison Broadcasting, LLC, Clarke Broadcasting Corporation, Davis Broadcasting of Atlanta, L.L.C., Davis Broadcasting Inc. of Columbus, Galaxy Syracuse Licensee LLC, Galaxy Utica Licensee LLC, Golden Isles Broadcasting, LLC, Good Karma Broadcasting, LLC, Good Karma Brands Milwaukee, LLC, Gulf South Communications Inc., HEH Communications, LLC, Inland Empire Broadcasting Corporation, JAM Communications, Inc., Kensington Digital Media, L.L.C., Kensington Digital Media of Indiana, L.L.C., Kirkman Broadcasting, Inc., KWHY-22 Broadcasting, LLC, KLOS Radio Holdings, LLC, KXOX Radio Holdings, LLC, L.M. Communications, Inc., L.M. Communications of KY, L.L.C., LM Communications of SC Inc., LM Communications II of SC Inc., Meruelo Radio Holdings, LLC, Mississippi Broadcasters, L.L.C., New South Radio Inc., Partnership Radio, LLC, Pathfinder Communications Corporation, Sarkes Tarzian, Inc., SBR Broadcasting Corporation, Serge Martin Enterprises, Inc., Talking Stick Communications, LLC, Winton Road Broadcasting Co., LLC, and WKLC, Inc.	Joint Radio Broadcasters.
Care Weather Technologies, Inc., Hiber, Inc., Loft Orbital Solutions, Inc., Myriota Pty. Ltd., Totum Labs, Inc., SpaceQuest, Ltd., Fleet Space Technologies Pty., Ltd.	SmallSat Commenters.
Colorado Broadcasters Association, Florida Association of Broadcasters, and Puerto Rico Broadcasters Association.	Joint Broadcasters.
CTIA—The Wireless Association®	CTIA.
Iridium Communications Inc	Iridium.
Kepler Communications Inc	Kepler.
Kineis	Kineis.
Lumen	Lumen.
Maxar Technologies, Inc	Maxar.
National Association of Broadcasters	NAB.
NCTA—The Internet & Television Association and ACA Connects—America's Communications Association	NCTA and ACA Connects.
Planet Labs, Inc	Planet.
SES Americom, Inc	SES.
Spire Global, Inc	Spire.

TABLE 2—CALCULATION OF FY 2021 REVENUE REQUIREMENTS AND PRO-RATA FEES

[Regulatory fees for the categories shaded in gray are collected by the Commission in advance to cover the term of the license and are submitted at the time the application is filed.]

Fee category	FY 2021 payment units	Yrs	FY 2020 revenue estimate	Pro-rated FY 2021 revenue requirement	Computed FY 2021 regulatory fee	Rounded FY 2021 reg. fee	Expected FY 2021 revenue
PLMRS (Exclusive Use)	300	10	187,500	75,000	25.00	25	75,000
PLMRS (Shared use)	9,900	10	1,170,000	990,000	10.00	10	990,000
Microwave	19,000	10	3,150,000	4,750,000	25.00	25	4,750,000
Marine (Ship)	6,150	10	1,065,000	922,500	15.00	15	922,500
Aviation (Aircraft)	3,900	10	550,000	390,000	10.00	10	390,000
Marine (Coast)	40	10	36,000	16,000	40.00	40	16,000
Aviation (Ground)	550	10	220,000	110,000	20.00	20	110,000
AM Class A <sup>1</sup>	63	1	296,100	290,869	4,617	4,615	290,745
AM Class B <sup>1</sup>	1,456	1	3,681,450	3,609,310	2,479	2,480	3,610,880
AM Class C <sup>1</sup>	825	1	1,310,400	1,292,416	1,567	1,565	1,291,125
AM Class D <sup>1</sup>	1,397	1	4,356,100	4,269,73	3,056	3,055	4,267,835
FM Classes A, B1 & C3 <sup>1</sup>	3,059	1	9,141,975	8,885,212	2,905	2,905	8,886,395
FM Classes B, C, C0, C1 & C2 <sup>1</sup>	3,118	1	11,246,950	11,102,752	3,561	3,560	11,100,080
AM Construction Permits <sup>2</sup>	6	1	3,660	3,660	610	610	3,660
FM Construction Permits <sup>2</sup>	55	1	64,500	58,850	1,070	1,070	58,850
Digital Television <sup>5</sup> (including Satellite TV)	3.262 billion population	1	25,473,855	25,416,380	.0077927	.007793	25,416,380
Digital TV Construction Permits <sup>2</sup>	4	1	14,850	20,400	5,100	5,100	20,400
LPTV/Class A/Translators FM Trans/Boosters	5,156	1	1,682,100	1,654,836	321	320	1,649,920
CARS Stations	150	1	208,000	233,524	1,557	1,555	233,250
Cable TV Systems, including IPTV & DBS	77,800,000	1	69,511,000	75,900,608	.9756	.98	76,244,000
Interstate Telecommunication Service Providers	\$30,100,000,000	1	98,547,000	120,352,605	0.003998	0.00400	120,400,000
Toll Free Numbers	33,500,000	1	3,960,000	4,135,328	0.12344	0.12	4,020,000
CMRS Mobile Services (Cellular/Public Mobile)	504,000,000	1	72,250,000	76,601,126	0.1520	0.15	75,600,000
CMRS Messaging Services	1,700,000	1	152,000	136,000	0.0800	0.080	136,000
BRS/ <sup>3</sup>	1,250	1	716,800	756,250	605	605	756,250
LMDS	342	1	190,400	206,910	605	605	206,910
Per Gbps circuit Int'l Bearer Circuits Terrestrial (Common & Non-Common) & Satellite (Common & Non-Common)	10,900	1	438,700	465,241	42.68	43	468,700
Submarine Cable Providers (See chart at bottom of Appendix C) <sup>4</sup>	58.188	1	8,280,333	8,839,411	151,913	151,915	8,839,554
Earth Stations	3,000	1	1,680,000	1,791,235	597	595	1,785,000
Space Stations (Geostationary)	147	1	16,092,500	17,177,620	116,855	116,855	17,177,685
Space Stations (Non-Geostationary, Other)	10	1	4,023,000	3,435,525	343,553	343,555	3,435,550
Space Stations (Non-Geostationary, Less Complex)	7	1	858,880	858,880	122,697	122,695	858,865
***** Total Estimated Revenue to be Collected			338,940,733	373,897,672			373,920,077
***** Total Revenue Requirement			339,000,000	374,000,000			374,000,000
Difference			(59,267)	(102,328)			(79,923)

Notes on Table 2

<sup>1</sup> The fee amounts listed in the column entitled "Rounded New FY 2021 Regulatory Fee" constitute a weighted average broadcast regulatory fee by class of service. The actual FY 2021 regulatory fees for AM/FM radio station are listed on a grid located at the end of Table 3.

<sup>2</sup> The AM and FM Construction Permit revenues and the Digital (VHF/UHF) Construction Permit revenues were adjusted, respectively, to set the regulatory fee to an amount no higher than the lowest licensed fee for that class of service. Reductions in the Digital (VHF/UHF) Construction Permit revenues, and in the AM and FM Construction Permit revenues, were offset by increases in the revenue totals for Digital television stations by market size, and in the AM and FM radio stations by class size and population served, respectively.

<sup>3</sup> The MDS/MMDS category was renamed Broadband Radio Service (BRS). See Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150–2162 and 2500–2690 MHz Bands, Report & Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 14165, 14169, para. 6 (2004).

<sup>4</sup> The chart at the end of Table 3 lists the submarine cable bearer circuit regulatory fees (common and non-common carrier basis) that resulted from the adoption of the Assessment and Collection of Regulatory Fees for Fiscal Year 2008, Report and Order and Further Notice of Proposed Rulemaking, 24 FCC Rcd 6388 (2008) and Assessment and Collection of Regulatory Fees for Fiscal Year 2008, Second Report and Order, 24 FCC Rcd 4208 (2009). The Submarine Cable fee in Table 2 is a weighted average of the various fee payers in the chart at the end of Table 3.

<sup>5</sup> The actual digital television regulatory fees to be paid by call sign are identified in Table 7.

TABLE 3—FY 2021 SCHEDULE OF REGULATORY FEES

[Regulatory fees for the categories shaded in gray are collected by the Commission in advance to cover the term of the license and are submitted at the time the application is filed.]

Fee category	Annual regulatory fee (U.S. \$s)
PLMRS (per license) (Exclusive Use) (47 CFR part 90) .....	25
Microwave (per license) (47 CFR part 101) .....	25
Marine (Ship) (per station) (47 CFR part 80) .....	15
Marine (Coast) (per license) (47 CFR part 80) .....	40
Rural Radio (47 CFR part 22) (previously listed under the Land Mobile category) .....	10
PLMRS (Shared Use) (per license) (47 CFR part 90) .....	10
Aviation (Aircraft) (per station) (47 CFR part 87) .....	10
Aviation (Ground) (per license) (47 CFR part 87) .....	20
CMRS Mobile/Cellular Services (per unit) (47 CFR parts 20, 22, 24, 27, 80 and 90) (Includes Non-Geographic telephone numbers) .....	.15
CMRS Messaging Services (per unit) (47 CFR parts 20, 22, 24 and 90) .....	.08
Broadband Radio Service (formerly MMDS/MDS) (per license) (47 CFR part 27) .....	605
Local Multipoint Distribution Service (per call sign) (47 CFR part 101) .....	605
AM Radio Construction Permits .....	610
FM Radio Construction Permits .....	1,070
AM and FM Broadcast Radio Station Fees .....	See Table Below
Digital TV (47 CFR part 73) VHF and UHF Commercial Fee Factor .....	* \$.007793
Digital TV Construction Permits .....	5,100
Low Power TV, Class A TV, TV/FM Translators & FM Boosters (47 CFR part 74) .....	320
CARS (47 CFR part 78) .....	1,555
Cable Television Systems (per subscriber) (47 CFR part 76), Including IPTV (per subscriber) and Direct Broadcast Satellite (DBS) (per subscriber) .....	.98
Interstate Telecommunication Service Providers (per revenue dollar) .....	.00400
Toll Free (per toll free subscriber) (47 CFR section 52.101(f) of the rules) .....	.12
Earth Stations (47 CFR part 25) .....	595
Space Stations (per operational station in geostationary orbit) (47 CFR part 25) also includes DBS Service (per operational station) (47 CFR part 100) .....	116,855
Space Stations (per operational system in non-geostationary orbit) (47 CFR part 25) (Other) .....	343,555
Space Stations (per operational system in non-geostationary orbit) (47 CFR part 25) (Less Complex) .....	122,695
International Bearer Circuits—Terrestrial/Satellites (per Gbps circuit) .....	\$43
Submarine Cable Landing Licenses Fee (per cable system) .....	See Table Below

\* See Appendix G for fee amounts due, also available at <https://www.fcc.gov/licensing-databases/fees/regulatory-fees>.

FY 2021 RADIO STATION REGULATORY FEES

Population served	AM Class A	AM Class B	AM Class C	AM Class D	FM Classes A, B1 & C3	FM Classes B, C, C0, C1 & C2
<=25,000 .....	\$975	\$700	\$610	\$670	\$1,070	\$1,220
25,001–75,000 .....	1,465	1,050	915	1,000	1,605	1,830
75,001–150,000 .....	2,195	1,575	1,375	1,510	2,410	2,745
150,001–500,000 .....	3,295	2,365	2,060	2,265	3,615	4,125
500,001–1,200,000 .....	4,935	3,540	3,085	3,390	5,415	6,175
1,200,001–3,000,000 .....	7,410	5,320	4,635	5,090	8,130	9,270
3,000,001–6,000,000 .....	11,105	7,975	6,950	7,630	12,185	13,895
>6,000,000 .....	16,665	11,965	10,425	11,450	18,285	20,850

FY 2021 INTERNATIONAL BEARER CIRCUITS—SUBMARINE CABLE SYSTEMS

Submarine cable systems (capacity as of December 31, 2020)	Fee ratio (units)	FY 2021 regulatory fees
Less than 50 Gbps .....	.0625	\$9,495

## FY 2021 INTERNATIONAL BEARER CIRCUITS—SUBMARINE CABLE SYSTEMS—Continued

Submarine cable systems (capacity as of December 31, 2020)	Fee ratio (units)	FY 2021 regu- latory fees
50 Gbps or greater, but less than 250 Gbps .....	.125	18,990
250 Gbps or greater, but less than 1,500 Gbps .....	.25	37,980
1,500 Gbps or greater, but less than 3,500 Gbps .....	.5	75,955
3,500 Gbps or greater, but less than 6,500 Gbps .....	1.0 Unit	151,910
6,500 Gbps or greater .....	2.0	303,820

**Table 4—Sources of Payment Unit Estimates for FY 2021**

In order to calculate individual service fees for FY 2021, we adjusted FY 2020 payment units for each service to more accurately reflect expected FY 2021 payment liabilities. We obtained our updated estimates through a variety of means and sources. For example, we used Commission licensee data bases, actual prior year payment records and industry and trade association projections, when available. The databases we consulted include our Universal Licensing System (ULS), International Bureau Filing System (IBFS), Consolidated Database System (CDBS), Licensing and Management System (LMS) and Cable Operations and Licensing System (COALS), as well as

reports generated within the Commission such as the Wireless Telecommunications Bureau's *Numbering Resource Utilization Forecast*. Regulatory fee payment units are not all the same for all fee categories. For most fee categories, the term "units" reflect licenses or permits that have been issued, but for other fee categories, the term "units" reflect quantities such as subscribers, population counts, circuit counts, telephone numbers, and revenues.

We sought verification for these estimates from multiple sources and, in all cases, we compared FY 2021 estimates with actual FY 2020 payment units to ensure that our revised estimates were reasonable. Where appropriate, we adjusted and/or

rounded our final estimates to take into consideration the fact that certain variables that impact on the number of payment units cannot yet be estimated with sufficient accuracy. These include an unknown number of waivers and/or exemptions that may occur in FY 2021 and the fact that, in many services, the number of actual licensees or station operators fluctuates from time to time due to economic, technical, or other reasons. When we note, for example, that our estimated FY 2021 payment units are based on FY 2020 actual payment units, it does not necessarily mean that our FY 2021 projection is exactly the same number as in FY 2020. We have either rounded the FY 2020 number or adjusted it slightly to account for these variables.

Fee category	Sources of payment unit estimates
Land Mobile (All), Microwave, Marine (Ship & Coast), Aviation (Aircraft & Ground), Domestic Public Fixed.	Based on Wireless Telecommunications Bureau (WTB) projections of new applications and renewals taking into consideration existing Commission licensee data bases. Aviation (Aircraft) and Marine (Ship) estimates have been adjusted to take into consideration the licensing of portions of these services on a voluntary basis.
CMRS Cellular/Mobile Services .....	Based on WTB projection reports, and FY 2020 payment data.
CMRS Messaging Services .....	Based on WTB reports, and FY 2020 payment data.
AM/FM Radio Stations .....	Based on CDBS data, adjusted for exemptions, and actual FY 2020 payment units.
Digital TV Stations (Combined VHF/UHF units) .....	Based on LMS data, fee rate adjusted for exemptions, and population figures are calculated based on individual station parameters.
AM/FM/TV Construction Permits .....	Based on CDBS data, adjusted for exemptions, and actual FY 2020 payment units.
LPTV, Translators and Boosters, Class A Television .....	Based on LMS data, adjusted for exemptions, and actual FY 2020 payment units.
BRS (formerly MDS/MMDS) LMDS .....	Based on WTB reports and actual FY 2020 payment units. Based on WTB reports and actual FY 2020 payment units.
Cable Television Relay Service (CARS) Stations .....	Based on data from Media Bureau's COALS database and actual FY 2020 payment units.
Cable Television System Subscribers, Including IPTV Subscribers.	Based on publicly available data sources for estimated subscriber counts and actual FY 2020 payment units.
Interstate Telecommunication Service Providers .....	Based on FCC Form 499-Q data for the four quarters of calendar year 2020, the Wireline Competition Bureau projected the amount of calendar year 2020 revenue that will be reported on the 2021 FCC Form 499-A worksheets due in April 2021.
Earth Stations .....	Based on International Bureau licensing data and actual FY 2020 payment units.
Space Stations (GSOs & NGSOs) .....	Based on International Bureau data reports and actual FY 2020 payment units.
International Bearer Circuits .....	Based on International Bureau reports and submissions by licensees, adjusted as necessary, and actual FY 2020 payment units.
Submarine Cable Licenses .....	Based on International Bureau license information, and actual FY 2020 payment units.

**Table 5—Factors, Measurements, and Calculations That Determine Station Signal Contours and Associated Population Coverages****AM Stations**

For stations with nondirectional daytime antennas, the theoretical

radiation was used at all azimuths. For stations with directional daytime antennas, specific information on each day tower, including field ratio, phase, spacing, and orientation was retrieved, as well as the theoretical pattern root-mean-square of the radiation in all directions in the horizontal plane (RMS)

figure (milliVolt per meter (mV/m) @1 km) for the antenna system. The standard, or augmented standard if pertinent, horizontal plane radiation pattern was calculated using techniques and methods specified in sections 73.150 and 73.152 of the Commission's rules. Radiation values were calculated

for each of 360 radials around the transmitter site. Next, estimated soil conductivity data was retrieved from a database representing the information in FCC Figure R3. Using the calculated horizontal radiation values, and the retrieved soil conductivity data, the distance to the principal community (5 mV/m) contour was predicted for each of the 360 radials. The resulting distance to principal community contours were used to form a geographical polygon. Population counting was accomplished by determining which 2010 block centroids were contained in the polygon. (A block centroid is the center point of a small area containing population as computed by the U.S. Census Bureau.) The sum of

the population figures for all enclosed blocks represents the total population for the predicted principal community coverage area.

#### FM Stations

The greater of the horizontal or vertical effective radiated power (ERP) (kW) and respective height above average terrain (HAAT) (m) combination was used. Where the antenna height above mean sea level (HAMSL) was available, it was used in lieu of the average HAAT figure to calculate specific HAAT figures for each of 360 radials under study. Any available directional pattern information was applied as well, to produce a radial-specific ERP figure. The HAAT and ERP

figures were used in conjunction with the Field Strength (50–50) propagation curves specified in 47 CFR 73.313 of the Commission's rules to predict the distance to the principal community (70 dBu (decibel above 1 microVolt per meter) or 3.17 mV/m) contour for each of the 360 radials. The resulting distance to principal community contours were used to form a geographical polygon. Population counting was accomplished by determining which 2010 block centroids were contained in the polygon. The sum of the population figures for all enclosed blocks represents the total population for the predicted principal community coverage area.

TABLE 6—SATELLITE CHARTS FOR FY 2021 REGULATORY FEES

[U.S.-licensed space stations]

Licensee	Call sign	Satellite name	Type
DIRECTV Enterprises, LLC	S2922	SKY-B1	GSO
DIRECTV Enterprises, LLC	S2640	DIRECTV T11	GSO
DIRECTV Enterprises, LLC	S2711	DIRECTV RB-1	GSO
DIRECTV Enterprises, LLC	S2632	DIRECTV T8	GSO
DIRECTV Enterprises, LLC	S2669	DIRECTV T9S	GSO
DIRECTV Enterprises, LLC	S2641	DIRECTV T10	GSO
DIRECTV Enterprises, LLC	S2797	DIRECTV T12	GSO
DIRECTV Enterprises, LLC	S2930	DIRECTV T15	GSO
DIRECTV Enterprises, LLC	S2673	DIRECTV T5	GSO
DIRECTV Enterprises, LLC	S2455	DIRECTV T7S	GSO
DIRECTV Enterprises, LLC	S2133	SPACEWAY 2	GSO
DIRECTV Enterprises, LLC	S3039	DIRECTV T16	GSO
DISH Operating L.L.C	S2931	ECHOSTAR 18	GSO
DISH Operating L.L.C	S2738	ECHOSTAR 11	GSO
DISH Operating L.L.C	S2694	ECHOSTAR 10	GSO
DISH Operating L.L.C	S2740	ECHOSTAR 7	GSO
DISH Operating L.L.C	S2790	ECHOSTAR 14	GSO
EchoStar Satellite Operating Corporation	S2811	ECHOSTAR 15	GSO
EchoStar Satellite Operating Corporation	S2844	ECHOSTAR 16	GSO
EchoStar Satellite Operating Corporation	S2653	ECHOSTAR 12	GSO
EchoStar Satellite Services L.L.C	S2179	ECHOSTAR 9	GSO
ES 172 LLC	S2610	EUTELSAT 174A	GSO
ES 172 LLC	S3021	EUTELSAT 172B	GSO
Horizon-3 Satellite LLC	S2947	HORIZONS-3e	GSO
Hughes Network Systems, LLC	S2663	SPACEWAY 3	GSO
Hughes Network Systems, LLC	S2834	ECHOSTAR 19	GSO
Hughes Network Systems, LLC	S2753	ECHOSTAR XVII	GSO
Intelsat License LLC/ViaSat, Inc	S2160	GALAXY 28	GSO
Intelsat License LLC, Debtor-in-Possession	S2414	INTELSAT 10-02	GSO
Intelsat License LLC, Debtor-in-Possession	S2972	INTELSAT 37e	GSO
Intelsat License LLC, Debtor-in-Possession	S2854	NSS-7	GSO
Intelsat License LLC, Debtor-in-Possession	S2409	INELSAT 905	GSO
Intelsat License LLC, Debtor-in-Possession	S2405	INTELSAT 901	GSO
Intelsat License LLC, Debtor-in-Possession	S2408	INTELSAT 904	GSO
Intelsat License LLC, Debtor-in-Possession	S2804	INTELSAT 25	GSO
Intelsat License LLC, Debtor-in-Possession	S2959	INTELSAT 35e	GSO
Intelsat License LLC, Debtor-in-Possession	S2237	INTELSAT 11	GSO
Intelsat License LLC, Debtor-in-Possession	S2785	INTELSAT 14	GSO
Intelsat License LLC, Debtor-in-Possession	S2913	INTELSAT 29E	GSO
Intelsat License LLC, Debtor-in-Possession	S2380	INTELSAT 9	GSO
Intelsat License LLC, Debtor-in-Possession	S2831	INTELSAT 23	GSO
Intelsat License LLC, Debtor-in-Possession	S2915	INTELSAT 34	GSO
Intelsat License LLC, Debtor-in-Possession	S2863	INTELSAT 21	GSO
Intelsat License LLC, Debtor-in-Possession	S2750	INTELSAT 16	GSO
Intelsat License LLC, Debtor-in-Possession	S2715	GALAXY 17	GSO
Intelsat License LLC, Debtor-in-Possession	S2154	GALAXY 25	GSO
Intelsat License LLC, Debtor-in-Possession	S2253	GALAXY 11	GSO
Intelsat License LLC, Debtor-in-Possession	S2381	GALAXY 3C	GSO
Intelsat License LLC, Debtor-in-Possession	S2887	INTELSAT 30	GSO



TABLE 6—SATELLITE CHARTS FOR FY 2021 REGULATORY FEES—Continued  
[U.S.-licensed space stations]

Licensee	Call sign	Satellite name	Type
Intelsat License LLC, Debtor-in-Possession	S2924	INTELSAT 31	GSO
Intelsat License LLC, Debtor-in-Possession	S2647	GALAXY 19	GSO
Intelsat License LLC, Debtor-in-Possession	S2687	GALAXY 16	GSO
Intelsat License LLC, Debtor-in-Possession	S2733	GALAXY 18	GSO
Intelsat License LLC, Debtor-in-Possession	S2385	GALAXY 14	GSO
Intelsat License LLC, Debtor-in-Possession	S2386	GALAXY 13	GSO
Intelsat License LLC, Debtor-in-Possession	S2422	GALAXY 12	GSO
Intelsat License LLC, Debtor-in-Possession	S2387	GALAXY 15	GSO
Intelsat License LLC, Debtor-in-Possession	S2704	INTELSAT 5	GSO
Intelsat License LLC, Debtor-in-Possession	S2817	INTELSAT 18	GSO
Intelsat License LLC, Debtor-in-Possession	S2960	JCSAT-RA	GSO
Intelsat License LLC, Debtor-in-Possession	S2850	INTELSAT 19	GSO
Intelsat License LLC, Debtor-in-Possession	S2368	INTELSAT 1R	GSO
Intelsat License LLC, Debtor-in-Possession	S2988	TELKOM-2	GSO
Intelsat License LLC, Debtor-in-Possession	S2789	INTELSAT 15	GSO
Intelsat License LLC, Debtor-in-Possession	S2423	HORIZONS 2	GSO
Intelsat License LLC, Debtor-in-Possession	S2846	INTELSAT 22	GSO
Intelsat License LLC, Debtor-in-Possession	S2847	INTELSAT 20	GSO
Intelsat License LLC, Debtor-in-Possession	S2948	INTELSAT 36	GSO
Intelsat License LLC, Debtor-in-Possession	S2814	INTELSAT 17	GSO
Intelsat License LLC, Debtor-in-Possession	S2410	INTELSAT 906	GSO
Intelsat License LLC, Debtor-in-Possession	S2406	INTELSAT 902	GSO
Intelsat License LLC, Debtor-in-Possession	S2939	INTELSAT 33e	GSO
Intelsat License LLC, Debtor-in-Possession	S2382	INTELSAT 10	GSO
Intelsat License LLC, Debtor-in-Possession	S2751	NEW DAWN	GSO
Intelsat License LLC, Debtor-in-Possession	S3023	INTELSAT 39	GSO
Leidos, Inc	S2371	LM-RPS2	GSO
Ligado Networks Subsidiary, LLC	S2358	SKYTERRA-1	GSO
Ligado Networks Subsidiary, LLC	AMSC-1	MSAT-2	GSO
Novavision Group, Inc	S2861	DIRECTV KU-79W	GSO
Satellite CD Radio LLC	S2812	FM-6	GSO
SES Americom, Inc	S2415	NSS-10	GSO
SES Americom, Inc	S2162	AMC-3	GSO
SES Americom, Inc	S2347	AMC-6	GSO
SES Americom, Inc	S2134	AMC-2	GSO
SES Americom, Inc	S2826	SES-2	GSO
SES Americom, Inc	S2807	SES-1	GSO
SES Americom, Inc	S2892	SES-3	GSO
SES Americom, Inc	S2180	AMC-15	GSO
SES Americom, Inc	S2445	AMC-1	GSO
SES Americom, Inc	S2135	AMC-4	GSO
SES Americom, Inc	S2155	AMC-7	GSO
SES Americom, Inc	S2713	AMC-18	GSO
SES Americom, Inc	S2433	AMC-11	GSO
SES Americom, Inc/Alascom, Inc	S2379	AMC-8	GSO
SES Americom, Inc/EchoStar Satellite Services L.L.C	S2181	AMC-16	GSO
Sirius XM Radio Inc	S2710	FM-5	GSO
Skynet Satellite Corporation	S2933	TELSTAR 12V	GSO
Skynet Satellite Corporation	S2357	TELSTAR 11N	GSO
ViaSat, Inc	S2747	VIASAT-1	GSO
XM Radio LLC	S2617	XM-3	GSO
XM Radio LLC	S2616	XM-4	GSO
XM Radio LLC	S2786	XM-5	GSO

## NON-U.S.-LICENSED SPACE STATIONS—MARKET ACCESS THROUGH PETITION FOR DECLARATORY RULING

Licensee	Call sign	Satellite common name	Satellite type
ABS Global Ltd	S2987	ABS-3A	GSO
DBSD Services Ltd	S2651	DBSD G1	GSO
Empresa Argentina de Soluciones Satelitales S.A	S2956	ARSAT-2	GSO
European Telecommunications Satellite Organization	S2596	Atlantic Bird 2	GSO
European Telecommunications Satellite Organization	S3031	EUTELSAT 133 WEST A	GSO
Eutelsat S.A	S3056	EUTELSAT 8 WEST B	GSO
Gamma Acquisition L.L.C.	S2633	TerreStar 1	GSO
Hispanar Satélites, S.A	S2793	AMAZONAS-2	GSO
Hispanar Satélites, S.A	S2886	AMAZONAS-3	GSO
Hispasat, S.A	S2969	HISPASAT 30W-6	GSO
Inmarsat PLC	S2932	Inmarsat-4 F3	GSO
Inmarsat PLC	S2949	Inmarsat-3 F5	GSO

## NON-U.S.-LICENSED SPACE STATIONS—MARKET ACCESS THROUGH PETITION FOR DECLARATORY RULING—Continued

Licensee	Call sign	Satellite common name	Satellite type
Inmarsat Mobile Networks, Inc .....	E150028 .....	Inmarsat 5F3 .....	GSO
Intelsat License LLC .....	S2592/S2868 .....	Galaxy 23 .....	GSO
Intelsat License LLC .....	S3058 .....	HISPASAT 143W-1 .....	GSO
New Skies Satellites B.V .....	S2756 .....	NSS-9 .....	GSO
New Skies Satellites B.V .....	S2870 .....	SES-6 .....	GSO
New Skies Satellites B.V .....	S3048 .....	NSS-6 .....	GSO
New Skies Satellites B.V .....	S2828 .....	SES-4 .....	GSO
New Skies Satellites B.V .....	S2950 .....	SES-10 .....	GSO
Satelites Mexicanos, S.A. de C.V .....	S2695 .....	EUTELSAT 113 WEST A .....	GSO
Satelites Mexicanos, S.A. de C.V .....	S2926 .....	EUTELSAT 117 WEST B .....	GSO
Satelites Mexicanos, S.A. de C.V .....	S2938 .....	EUTELSAT 115 WEST B .....	GSO
Satelites Mexicanos, S.A. de C.V .....	S2873 .....	EUTELSAT 117 WEST A .....	GSO
SES Satellites (Gibraltar) Ltd .....	S2676 .....	AMC 21 .....	GSO
SES Americom, Inc .....	S3037 .....	NSS-11 .....	GSO
SES Americom, Inc .....	S2964 .....	SES-11 .....	GSO
SES DTH do Brasil Ltda .....	S2974 .....	SES-14 .....	GSO
SES Satellites (Gibraltar) Ltd .....	S2951 .....	SES-15 .....	GSO
Embratel Tvsat Telecomunicacoes S.A .....	S2677 .....	STAR ONE C1 .....	GSO
Embratel Tvsat Telecomunicacoes S.A .....	S2678 .....	STAR ONE C2 .....	GSO
Embratel Tvsat Telecomunicacoes S.A .....	S2845 .....	STAR ONE C3 .....	GSO
Telesat Brasil Capacidade de Satelites Ltda .....	S2821 .....	ESTRELA DO SUL 2 .....	GSO
Telesat Canada .....	S2674 .....	ANIK F1R .....	GSO
Telesat Canada .....	S2703 .....	ANIK F3 .....	GSO
Telesat Canada .....	S2646/S2472 .....	ANIK F2 .....	GSO
Telesat International Ltd .....	S2955 .....	TELSTAR 19 VANTAGE .....	GSO
Viasat, Inc .....	S2902 .....	VIASAT-2 .....	GSO

## NON-U.S.-LICENSED SPACE STATIONS—MARKET ACCESS THROUGH EARTH STATION LICENSES

ITU name (if available)	Common name	Call sign	GSO/NGSO
APSTAR V .....	APSTAR 5 .....	E980250 .....	GSO
AUSSAT B 152E .....	OPTUS D2 .....	M221170 .....	GSO
CAN-BSS3 and CAN-BSS .....	ECHOSTAR 23 .....	SM1987/SM2975 .....	GSO
Ciel Satellite Group .....	Ciel-2 .....	E050029 .....	GSO
Eutelsat 65 West A .....	Eutelsat 65 West A .....	E160081 .....	GSO
INMARSAT 3F3 .....	INMARSAT 3F3 .....	E000284 .....	GSO
INMARSAT 4F1 .....	INMARSAT 4F1 .....	KA25 .....	GSO
INMARSAT 5F2 .....	INMARSAT 5F2 .....	E120072 .....	GSO
JCSAT-2B .....	JCSAT-2B .....	M174163 .....	GSO
NIMIQ 5 .....	NIMIQ 5 .....	E080107 .....	GSO
MSAT-1 .....	MSAT-1 .....	E980179 .....	GSO
QUETZSAT-1(MEX) .....	QUETZSAT-1 .....	NUS1101 .....	GSO
Superbird C2 .....	Superbird C2 .....	M334100 .....	GSO
WILDBLUE-1 .....	WILDBLUE-1 .....	E040213 .....	GSO
Yamal 300K .....	Yamal 300K .....	M174162 .....	GSO

## NON-GEOSTATIONARY SPACE STATIONS (NGSO)

ITU name (if available)	Common name	Call sign	NGSO
----------------------------	-------------	-----------	------

## U.S.-Licensed NGSO Systems

ORBCOMM License Corp .....	ORBCOMM .....	S2103 .....	Other.
Iridium Constellation LLC .....	IRIDIUM .....	S2110 .....	Other.
Space Exploration Holdings, LLC ..	SPACEX Ku/Ka-Band .....	S2983/S3018 .....	Other.
Swarm Technologies .....	SWARM .....	S3041 .....	Other.
Planet Labs .....	Flock .....	S2912 .....	Less Complex.
Planet Labs .....	Skysats .....	S2862 .....	Less Complex.
Maxar License .....	WorldView 1,2,3 & 4 .....	S2129/S2348 .....	Less Complex.
BlackSky Global .....	Global 1,2,3 & 4 .....	S3032 .....	Less Complex.
Astro Digital U.S., Inc .....	LANDMAPPER .....	S3014 .....	Less Complex.
Hawkeye 360 .....	HE360 .....	S3042 .....	Less Complex.

## Non-U.S.-Licensed NGSO Systems—Market Access Through Petition for Declaratory Ruling

Telesat Canada .....	TELESAT Ku/Ka-Band .....	S2976 .....	Other.
Kepler Communications, Inc .....	KEPLER .....	S2981 .....	Other.
WorldVu Satellites Ltd .....	ONEWEB .....	S2963 .....	Other.

## NON-GEOSTATIONARY SPACE STATIONS (NGSO)—Continued

ITU name (if available)	Common name	Call sign	NGSO
Hiber Inc .....	HIBER .....	S3038 .....	Other.
O3b Ltd .....	O3b .....	S2935 .....	Other.

## NGSO Systems That Are Partly U.S.-Licensed and Partly Non-U.S.-Licensed With Market Access Through Petition for Declaratory Ruling

Globalstar License LLC .....	GLOBALSTAR .....	S2115 .....	Other.
Spire Global .....	LEMUR & MINAS .....	S2946/S3045 .....	Less Complex.

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
3246 .....	KAAB-TV .....	955,391	879,906	\$6,857
18285 .....	KAAL .....	589,502	568,169	4,428
11912 .....	KAAS-TV .....	220,262	219,922	1,714
56528 .....	KABB .....	2,474,296	2,456,689	19,145
282 .....	KABC-TV .....	17,540,791	16,957,292	132,148
1236 .....	KACV-TV .....	372,627	372,330	2,902
33261 .....	KADN-TV .....	877,965	877,965	6,842
8263 .....	KAET-TV .....	138,085	122,808	957
2728 .....	KAET .....	4,217,217	4,184,386	32,609
2767 .....	KAFT .....	1,204,376	1,122,928	8,751
62442 .....	KAID .....	711,035	702,721	5,476
4145 .....	KAIL-TV .....	188,810	165,396	1,289
67494 .....	KAIL .....	1,967,744	1,948,341	15,183
13988 .....	KAIT .....	861,149	845,812	6,591
40517 .....	KAJB .....	383,886	383,195	2,986
65522 .....	KAKE .....	803,937	799,254	6,229
804 .....	KAKM .....	380,240	379,105	2,954
148 .....	KAKW-DT .....	2,615,956	2,531,813	19,730
51598 .....	KALB-TV .....	943,307	942,043	7,341
51241 .....	KALO .....	948,683	844,503	6,581
40820 .....	KAMC .....	391,526	391,502	3,051
8523 .....	KAMR-TV .....	366,476	366,335	2,855
65301 .....	KAMU-TV .....	346,892	342,455	2,669
2506 .....	KAPP .....	319,797	283,944	2,213
3658 .....	KARD .....	703,234	700,887	5,462
23079 .....	KARE .....	3,924,944	3,907,483	30,451
33440 .....	KARK-TV .....	1,212,038	1,196,196	9,322
37005 .....	KARZ-TV .....	1,066,386	1,050,270	8,185
32311 .....	KASA-TV .....	1,161,789	1,119,108	8,721
41212 .....	KASN .....	1,175,627	1,159,721	9,038
7143 .....	KASW .....	4,174,437	4,160,497	32,423
55049 .....	KASY-TV .....	1,144,839	1,099,825	8,571
33471 .....	KATC .....	1,348,897	1,348,897	10,512
13813 .....	KATN .....	97,466	97,128	757
21649 .....	KATU .....	2,977,993	2,845,582	22,176
33543 .....	KATV .....	1,257,777	1,234,933	9,624
50182 .....	KAUT-TV .....	1,637,333	1,636,330	12,752
6864 .....	KAUZ-TV .....	381,671	379,435	2,957
73101 .....	KAVU-TV .....	319,618	319,484	2,490
49579 .....	KAWB .....	186,919	186,845	1,456
49578 .....	Kawe .....	136,033	133,937	1,044
58684 .....	KAYU-TV .....	809,464	750,766	5,851
29234 .....	KAZA-TV .....	14,973,535	13,810,130	107,622
17433 .....	KAZD .....	6,776,778	6,774,172	52,791
1151 .....	KAZQ .....	1,097,010	1,084,327	8,450
35811 .....	KAZT-TV .....	436,925	359,273	2,800
4148 .....	KBAK-TV .....	1,510,400	1,263,910	9,850
16940 .....	KBCA .....	479,260	479,219	3,735
53586 .....	KBCB .....	1,256,193	1,223,883	9,538
69619 .....	KBCW .....	8,227,562	7,375,199	57,475
22685 .....	KBDI-TV .....	4,042,177	3,683,394	28,705
56384 .....	KBEH .....	17,736,497	17,695,306	137,900
65395 .....	KBFD-DT .....	953,207	834,341	6,502
169030 .....	KBGS-TV .....	159,269	156,802	1,222
61068 .....	KBHE-TV .....	140,860	133,082	1,037
48556 .....	KBIM-TV .....	205,701	205,647	1,603

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
29108	KBIN-TV	912,921	911,725	7,105
33658	KBJR-TV	275,585	271,298	2,114
83306	KBLN-TV	297,384	134,927	1,051
63768	KBLR	1,964,979	1,915,861	14,930
53324	KBME-TV	123,571	123,485	962
10150	KBMT	743,009	742,369	5,785
22121	KBMY	119,993	119,908	934
49760	KBOI-TV	715,191	708,374	5,520
55370	KBRR	149,869	149,868	1,168
66414	KBSD-DT	155,012	154,891	1,207
66415	KBSH-DT	102,781	100,433	783
19593	KBSI	756,501	754,722	5,882
66416	KBSL-DT	49,814	48,483	378
4939	KBSV	1,352,166	1,262,708	9,840
62469	KBTC-TV	3,697,981	3,621,965	28,226
61214	KBTX-TV	734,008	734,008	5,720
6669	KBTV-TV	4,404,648	4,401,048	34,297
35909	KBVO	1,498,015	1,312,360	10,227
58618	KBVU	135,249	120,827	942
6823	KBYU-TV	2,389,548	2,209,060	17,215
33756	KBZK	120,807	107,817	840
21422	KCAL-TV	17,499,483	16,889,157	131,617
11265	KCAU-TV	714,315	706,224	5,504
14867	KCBA	3,088,394	2,369,803	18,468
27507	KCBD	414,804	414,091	3,227
9628	KCBS-TV	17,853,152	16,656,778	129,806
49750	KCBY-TV	89,156	73,211	571
33710	KCCI	1,102,130	1,095,326	8,536
9640	KCCW-TV	284,280	276,935	2,158
63158	KCDO-TV	2,798,103	2,650,225	20,653
62424	KCDT	698,389	657,101	5,121
83913	KCEB	1,163,228	1,159,665	9,037
57219	KCEC	3,831,192	3,613,287	28,158
10245	KCEN-TV	1,795,767	1,757,018	13,692
13058	KCET	16,875,019	15,402,588	120,032
18079	KCFW-TV	148,162	129,122	1,006
132606	KCGE-DT	123,930	123,930	966
60793	KCHF	1,118,671	1,085,205	8,457
33722	KCIT	382,477	381,818	2,976
62468	KCKA	953,680	804,362	6,268
41969	KCLO-TV	138,413	132,157	1,030
47903	KCNC-TV	3,794,400	3,541,089	27,596
71586	KCNS	8,270,858	7,381,656	57,525
33742	KCOP-TV	17,386,133	16,647,708	129,736
19117	KCOS	1,014,396	1,014,205	7,904
63165	KCOY-TV	664,655	459,468	3,581
33894	KCPQ	4,439,875	4,311,994	33,603
53843	KCPT	2,507,879	2,506,224	19,531
33875	KCRA-TV	10,612,483	6,500,774	50,661
9719	KCRG-TV	1,136,762	1,107,130	8,628
60728	KCSD-TV	273,553	273,447	2,131
59494	KCSG	174,814	164,765	1,284
33749	KCTS-TV	4,177,824	4,115,603	32,073
41230	KCTV	2,547,456	2,545,645	19,838
58605	KCVU	630,068	616,068	4,801
10036	KCWC-DT	44,216	39,439	307
64444	KCWE	2,460,172	2,458,913	19,162
51502	KCWI-TV	1,043,811	1,042,642	8,125
42008	KCWO-TV	50,707	50,685	395
166511	KCWV	207,398	207,370	1,616
24316	KCWX	3,961,268	3,954,787	30,820
68713	KCWY-DT	79,948	79,414	619
22201	KDAF	6,648,507	6,645,226	51,786
33764	KDBC-TV	1,015,564	1,015,162	7,911
79258	KDCK	43,088	43,067	336
166332	KDCU-DT	796,251	795,504	6,199
38375	KDEN-TV	3,376,799	3,351,182	26,116
17037	KDFI	6,684,439	6,682,487	52,077
33770	KDFW	6,659,312	6,657,023	51,878
29102	KDIN-TV	1,088,376	1,083,845	8,446
25454	KDKA-TV	3,611,796	3,450,690	26,891

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
60740	KDKF	71,413	64,567	503
4691	KDLH	263,422	260,394	2,029
41975	KDLO-TV	208,354	208,118	1,622
55379	KDLT-TV	639,284	628,281	4,896
55375	KDLV-TV	96,873	96,620	753
25221	KDMD	375,328	373,408	2,910
78915	KDMI	1,141,990	1,140,939	8,891
56524	KDNL-TV	2,987,219	2,982,311	23,241
24518	KDOC-TV	17,503,793	16,701,233	130,153
1005	KDOR-TV	1,112,060	1,108,556	8,639
60736	KDRV	519,706	440,002	3,429
61064	KDSD-TV	64,314	59,635	465
53329	KDSE	42,896	41,432	323
56527	KDSM-TV	1,096,220	1,095,478	8,537
49326	KDTN	6,602,327	6,600,186	51,435
83491	KDTP	26,564	24,469	191
33778	KDTV-DT	7,959,349	7,129,638	55,561
67910	KDTX-TV	6,680,738	6,679,424	52,053
126	KDVR	3,644,912	3,521,884	27,446
18084	KECI-TV	211,745	193,803	1,510
51208	KECY-TV	399,372	394,379	3,073
58408	KEDT	513,683	513,683	4,003
55435	KEET	177,313	159,960	1,247
41983	KELO-TV	705,364	646,126	5,035
34440	KEMO-TV	8,270,858	7,381,656	57,525
2777	KEMV	619,889	559,135	4,357
26304	KENS	2,544,094	2,529,382	19,711
63845	KENV-DT	47,220	40,677	317
18338	KENW	87,017	87,017	678
50591	KEPB-TV	576,964	523,655	4,081
56029	KEPR-TV	453,259	433,260	3,376
49324	KERA-TV	6,681,083	6,677,852	52,041
40878	KERO-TV	1,285,357	1,164,979	9,079
61067	KESD-TV	166,018	159,195	1,241
25577	KESQ-TV	1,334,172	572,057	4,458
50205	KETA-TV	1,702,441	1,688,227	13,156
62182	KETC	2,913,924	2,911,313	22,688
37101	KETD	3,323,570	3,285,231	25,602
2768	KETG	426,883	409,511	3,191
12895	KETH-TV	6,088,821	6,088,677	47,449
55643	KETK-TV	1,031,567	1,030,122	8,028
2770	KETS	1,185,111	1,166,796	9,093
53903	KETV	1,355,714	1,350,740	10,526
92872	KETZ	526,890	523,877	4,083
68853	KEYC-TV	544,900	531,079	4,139
33691	KEYE-TV	2,732,257	2,652,529	20,671
60637	KEYT-TV	1,419,564	1,239,577	9,660
83715	KEYU	339,348	339,302	2,644
34406	KEZI	1,113,171	1,065,880	8,306
34412	KFBB-TV	93,519	91,964	717
125	KFCT	795,114	788,747	6,147
51466	KFDA-TV	385,064	383,977	2,992
22589	KFDM	732,665	732,588	5,709
65370	KFDX-TV	381,703	381,318	2,972
49264	KFFV	4,020,926	3,987,153	31,072
12729	KFFX-TV	409,952	403,692	3,146
83992	KFJX	515,708	505,647	3,941
42122	KFMB-TV	3,947,735	3,699,981	28,834
53321	KFME	393,045	392,472	3,059
74256	KFNB	80,382	79,842	622
21613	KFNE	54,988	54,420	424
21612	KFNR	10,988	10,965	85
66222	KFOR-TV	1,616,459	1,615,614	12,590
33716	KFOX-TV	1,023,999	1,018,549	7,938
41517	KFPH-DT	347,579	282,838	2,204
81509	KFPX-TV	963,969	963,846	7,511
31597	KFQX	186,473	163,637	1,275
59013	KFRE-TV	1,721,275	1,705,484	13,291
51429	KFSF-DT	7,348,828	6,528,430	50,876
66469	KFSM-TV	906,728	884,919	6,896
8620	KFSN-TV	1,836,607	1,819,585	14,180

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
29560	KFTA-TV	818,859	809,173	6,306
83714	KFTC	61,990	61,953	483
60537	KFTH-DT	6,080,688	6,080,373	47,384
60549	KFTR-DT	17,560,679	16,305,726	127,071
61335	KFTS	74,936	65,126	508
81441	KFTU-DT	113,876	109,731	855
34439	KFTV-DT	1,794,984	1,779,917	13,871
36917	KFVE	953,895	851,585	6,636
592	KFVS-TV	895,871	873,777	6,809
29015	KFWD	6,610,836	6,598,496	51,422
35336	KFXA	875,538	874,070	6,812
17625	KFXB-TV	373,280	368,466	2,871
70917	KFXK-TV	934,043	931,791	7,261
84453	KFXL-TV	862,531	854,678	6,661
41427	KFYR-TV	130,881	128,301	1,000
25685	KGAN	1,083,213	1,057,597	8,242
34457	KGBT-TV	1,230,798	1,230,791	9,592
52593	KGBY	270,089	218,544	1,703
7841	KGCW	949,575	945,476	7,368
24485	KGEB	1,186,225	1,150,201	8,964
34459	KGET-TV	917,927	874,332	6,814
53320	KGFE	114,564	114,564	893
7894	KGIN	230,535	228,338	1,779
83945	KGLA-DT	1,645,641	1,645,641	12,824
34445	KGMB	953,398	851,088	6,633
23302	KGMC	1,824,786	1,803,796	14,057
36914	KGMD-TV	94,323	93,879	732
36920	KGMV	193,564	162,230	1,264
10061	KGNS-TV	267,236	259,548	2,023
34470	KGO-TV	8,637,074	7,929,294	61,793
56034	KGPE	1,699,131	1,682,082	13,108
81694	KGPM-TV	685,626	624,955	4,870
25511	KGTF	161,885	160,568	1,251
40876	KGTU	3,960,667	3,682,219	28,696
36918	KGUN-TV	1,398,527	1,212,484	9,449
34874	KGW	3,058,216	2,881,387	22,455
63177	KGWC-TV	80,475	80,009	624
63162	KGWL-TV	38,125	38,028	296
63166	KGWN-TV	469,467	440,388	3,432
63170	KGWR-TV	51,315	50,957	397
4146	KHAW-TV	95,204	94,851	739
34846	KHBC-TV	74,884	74,884	584
60353	KHBS	631,770	608,052	4,739
27300	KHCE-TV	2,353,883	2,348,391	18,301
26431	KHET	959,060	944,568	7,361
21160	KHGI-TV	233,973	229,173	1,786
29085	KHIN	1,041,244	1,039,383	8,100
17688	KHME	181,345	179,706	1,400
47670	KHMT	175,601	170,957	1,332
47987	KHNE-TV	203,931	202,944	1,582
34867	KHNL	953,398	851,088	6,633
60354	KHOG-TV	765,360	702,984	5,478
4144	KHON-TV	953,207	886,431	6,908
34529	KHOU	6,083,336	6,081,785	47,395
4690	KHQA-TV	318,469	316,134	2,464
34537	KHQ-TV	822,371	774,821	6,038
30601	KHRR	1,227,847	1,166,890	9,094
34348	KHSD-TV	188,735	185,202	1,443
24508	KHSL-TV	625,904	608,850	4,745
69677	KHSV	2,059,794	2,020,045	15,742
64544	KHVO	94,226	93,657	730
23394	KIAH	6,099,694	6,099,297	47,532
34564	KICU-TV	8,233,041	7,174,316	55,909
56028	KIDK	305,509	302,535	2,358
58560	KIDY	116,614	116,596	909
53382	KIEM-TV	174,390	160,801	1,253
66258	KIFI-TV	324,422	320,118	2,495
10188	KIII	569,864	566,796	4,417
29095	KIIN	1,335,215	1,335,707	10,409
34527	KIKU	953,896	850,963	6,632
63865	KILM	17,256,205	15,804,489	123,164

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
56033	KIMA-TV	308,604	260,593	2,031
66402	KIMT	654,083	643,384	5,014
67089	KINC	2,002,066	1,920,903	14,970
34847	KING-TV	4,074,288	4,036,926	31,460
51708	KINT-TV	1,015,582	1,015,274	7,912
26249	KION-TV	2,400,317	855,808	6,669
62427	KIPT	171,405	170,455	1,328
66781	KIRO-TV	4,058,101	4,030,968	31,413
62430	KISU-TV	311,827	307,651	2,398
12896	KITU-TV	712,362	712,362	5,551
64548	KITV	953,207	839,906	6,545
59255	KIVI-TV	710,819	702,619	5,476
47285	KIXE-TV	467,518	428,118	3,336
13792	KJJC-TV	82,749	81,865	638
14000	KJLA	17,929,100	16,794,896	130,883
20015	KJNP-TV	98,403	98,097	764
53315	KJRE	16,187	16,170	126
59439	KJRH-TV	1,416,108	1,397,311	10,889
55364	KJRR	45,515	44,098	344
7675	KJTL	379,594	379,263	2,956
55031	KJTV-TV	406,283	406,260	3,166
13814	KJUD	31,229	30,106	235
36607	KJZZ-TV	2,388,965	2,209,183	17,216
83180	KKAI	955,203	941,214	7,335
58267	KKAP	957,786	923,172	7,194
24766	KKCO	206,018	172,628	1,345
35097	KKJB	629,939	624,784	4,869
22644	KKPX-TV	7,588,288	6,758,490	52,669
35037	KKTV	2,892,126	2,478,864	19,318
35042	KLAS-TV	2,094,297	1,940,030	15,119
52907	KLAX-TV	367,212	366,839	2,859
3660	KLBK-TV	387,783	387,743	3,022
65523	KLBY	31,102	31,096	242
38430	KLCS	16,875,019	15,402,588	120,032
77719	KLCW-TV	381,889	381,816	2,975
51479	KLDO-TV	250,832	250,832	1,955
37105	KLEI	175,045	138,087	1,076
56032	KLEW-TV	164,908	148,256	1,155
35059	KLFX-TV	1,355,890	1,355,409	10,563
54011	KLJB	1,027,104	1,012,309	7,889
11264	KLKN	932,757	895,101	6,976
47975	KLNE-TV	120,338	120,277	937
38590	KLPA-TV	414,699	414,447	3,230
38588	KLPB-TV	749,053	749,053	5,837
749	KLRN	2,374,472	2,353,440	18,340
11951	KLRT-TV	1,171,678	1,152,541	8,982
8564	KLRU	2,614,658	2,575,518	20,071
8322	KLSR-TV	564,415	508,157	3,960
31114	KLST	199,067	169,551	1,321
24436	KLTJ	6,034,131	6,033,867	47,022
38587	KLTL-TV	423,574	423,574	3,301
38589	KLTM-TV	694,280	688,915	5,369
38591	KLTS-TV	883,661	882,589	6,878
68540	KLTV	1,069,690	1,051,361	8,193
12913	KLUJ-TV	1,195,751	1,195,751	9,318
57220	KLUZ-TV	1,079,718	1,019,302	7,943
11683	KLVB	2,044,150	1,936,083	15,088
82476	KLWB	1,065,748	1,065,748	8,305
40250	KLWY	541,043	538,231	4,194
64551	KMAU	213,060	188,953	1,473
51499	KMAX-TV	10,767,605	7,132,240	55,582
65686	KMBC-TV	2,507,895	2,506,661	19,534
56079	KMBH	1,225,732	1,225,732	9,552
35183	KMCB	69,357	66,203	516
41237	KMCC	2,064,592	2,010,262	15,666
42636	KMCI-TV	2,429,392	2,428,626	18,926
38584	KMCT-TV	267,004	266,880	2,080
22127	KMCY	71,797	71,793	559
162016	KMDE	35,409	35,401	276
26428	KMEB	221,810	203,470	1,586
39665	KMEG	708,748	704,130	5,487



TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
35123	KMEX-DT	17,628,354	16,318,720	127,172
40875	KMGH-TV	3,815,253	3,574,365	27,855
35131	KMID	383,449	383,439	2,988
16749	KMIR-TV	2,760,914	730,764	5,695
63164	KMIZ	532,025	530,008	4,130
53541	KMLM-DT	293,290	293,290	2,286
52046	KMLU	711,951	708,107	5,518
47981	KMNE-TV	47,232	44,189	344
24753	KMOH-TV	199,885	184,283	1,436
4326	KMOS-TV	804,745	803,129	6,259
41425	KMOT	81,517	79,504	620
70034	KMOV	3,035,077	3,029,405	23,608
51488	KMPH-TV	1,725,397	1,697,871	13,232
73701	KMPX	6,678,829	6,674,706	52,016
44052	KMSB	1,321,614	1,039,442	8,100
68883	KMSP-TV	3,832,040	3,805,141	29,653
12525	KMSS-TV	1,068,120	1,066,388	8,310
43095	KMTP-TV	5,252,062	4,457,617	34,738
35189	KMTR	589,948	520,666	4,058
35190	KMTV-TV	1,346,549	1,344,796	10,480
77063	KMTW	761,521	761,516	5,934
35200	KMVT	184,647	176,351	1,374
32958	KMVU-DT	308,150	231,506	1,804
86534	KMYA-DT	200,764	200,719	1,564
51518	KMYS	2,273,888	2,267,913	17,674
54420	KMYT-TV	1,314,197	1,302,378	10,149
35822	KMYU	133,563	130,198	1,015
993	KNAT-TV	1,157,630	1,124,619	8,764
24749	KNAZ-TV	332,321	227,658	1,774
47906	KNBC	17,859,647	16,555,232	129,015
81464	KNBN	145,493	136,995	1,068
9754	KNCT	1,751,838	1,726,148	13,452
82611	KNDB	118,154	118,122	921
82615	KNDM	72,216	72,209	563
12395	KNDO	314,875	270,892	2,111
12427	KNDU	475,612	462,556	3,605
17683	KNEP	101,389	95,890	747
48003	KNHL	277,777	277,308	2,161
125710	KNIC-DT	2,398,296	2,383,294	18,573
59363	KNIN-TV	708,289	703,838	5,485
48525	KNLC	2,981,508	2,978,979	23,215
48521	KNLJ	655,000	642,705	5,009
84215	KNMD-TV	1,120,286	1,100,869	8,579
55528	KNME-TV	1,149,036	1,103,695	8,601
47707	KNMT	2,887,142	2,794,995	21,781
48975	KNOE-TV	733,097	729,703	5,687
49273	KNOP-TV	87,904	85,423	666
10228	KNPB	604,614	462,732	3,606
55362	KNRR	25,957	25,931	202
35277	KNSD	3,861,660	3,618,321	28,198
19191	KNSN-TV	611,981	459,485	3,581
58608	KNSO	1,976,317	1,931,825	15,055
35280	KNTV	8,525,818	8,027,505	62,558
144	KNVA	2,550,225	2,529,184	19,710
33745	KNVN	495,902	470,252	3,665
69692	KNVO	1,247,014	1,247,014	9,718
29557	KNWA-TV	822,906	804,682	6,271
16950	KNXT	2,180,045	2,160,460	16,836
59440	KNXV-TV	4,183,943	4,173,022	32,520
59014	KOAA-TV	1,608,528	1,203,731	9,381
50588	KOAB-TV	207,070	203,371	1,585
50590	KOAC-TV	1,957,282	1,543,401	12,028
58552	KOAM-TV	595,307	584,921	4,558
53928	KOAT-TV	1,132,372	1,105,116	8,612
35313	KOB	1,152,841	1,113,162	8,675
35321	KOBF	201,911	166,177	1,295
8260	KOBI	562,463	519,063	4,045
62272	KOBR	211,709	211,551	1,649
50170	KOCB	1,629,783	1,629,152	12,696
4328	KOCE-TV	17,447,903	16,331,792	127,274
84225	KOCM	1,434,325	1,433,605	11,172

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
12508	KOCO-TV	1,716,569	1,708,085	13,311
83181	KOCW	83,807	83,789	653
18283	KODE-TV	740,156	731,512	5,701
66195	KOED-TV	1,497,297	1,459,833	11,376
50198	KOET	658,606	637,640	4,969
51189	KOFY-TV	5,252,062	4,457,617	34,738
34859	KOGG	190,829	161,310	1,257
166534	KOHD	201,310	197,662	1,540
35380	KOIN	3,028,482	2,881,460	22,455
35388	KOKH-TV	1,627,116	1,625,246	12,666
11910	KOKI-TV	1,366,220	1,352,227	10,538
48663	KOLD-TV	1,216,228	887,754	6,918
7890	KOLN	1,225,400	1,190,178	9,275
63331	KOLO-TV	959,178	826,985	6,445
28496	KOLR	1,076,144	1,038,613	8,094
21656	KOMO-TV	4,132,260	4,087,435	31,853
65583	KOMU-TV	551,658	542,544	4,228
35396	KONG	4,006,008	3,985,271	31,057
60675	KOOD	113,416	113,285	883
50589	KOPB-TV	3,059,231	2,875,815	22,411
2566	KOPX-TV	1,501,110	1,500,883	11,696
64877	KORO	560,983	560,983	4,372
6865	KOSA-TV	340,978	338,070	2,635
34347	KOTA-TV	174,876	152,861	1,191
8284	KOTI	298,175	97,132	757
35434	KOTV-DT	1,417,753	1,403,838	10,940
56550	KOVR	10,784,477	7,162,989	55,821
51101	KOZJ	429,982	427,991	3,335
51102	KOZK	839,841	834,308	6,502
3659	KOZL-TV	992,495	963,281	7,507
35455	KPAX-TV	206,895	193,201	1,506
67868	KPAZ-TV	4,190,080	4,176,323	32,546
6124	KPBS	3,584,237	3,463,189	26,989
50044	KPBT-TV	340,080	340,080	2,650
77452	KPCB-DT	30,861	30,835	240
35460	KPDx	2,970,703	2,848,423	22,198
12524	KPEJ-TV	368,212	368,208	2,869
41223	KPHO-TV	4,195,073	4,175,139	32,537
61551	KPIC	156,687	105,807	825
86205	KPIF	265,080	258,174	2,012
25452	KPIX-TV	8,340,753	7,480,594	58,296
58912	KPJK	7,884,411	6,955,179	54,202
166510	KPJR-TV	3,402,088	3,372,831	26,284
13994	KPLC	1,406,085	1,403,853	10,940
41964	KPLO-TV	55,827	52,765	411
35417	KPLR-TV	2,968,619	2,965,673	23,111
12144	KPMR	1,731,370	1,473,251	11,481
47973	KPNE-TV	92,675	89,021	694
35486	KPNX	4,215,834	4,184,428	32,609
77512	KPNZ	2,394,311	2,208,707	17,212
73998	KPOB-TV	144,525	143,656	1,120
26655	KPPX-TV	4,186,998	4,171,450	32,508
53117	KPRC-TV	6,099,422	6,099,076	47,530
48660	KPRY-TV	42,521	42,426	331
61071	KPSD-TV	19,886	18,799	147
53544	KPTB-DT	322,780	320,646	2,499
81445	KPTF-DT	84,512	84,512	659
77451	KPTH	660,556	655,373	5,107
51491	KPTM	1,414,998	1,414,014	11,019
33345	KPTS	832,000	827,866	6,452
50633	KPTV	2,998,460	2,847,263	22,189
82575	KPTW	80,374	80,012	624
1270	KPVI-DT	271,379	264,204	2,059
58835	KPXB-TV	6,062,472	6,062,271	47,243
68695	KPXC-TV	3,362,518	3,341,951	26,044
68834	KPXD-TV	6,555,157	6,553,373	51,070
33337	KPXE-TV	2,437,178	2,436,024	18,984
5801	KPXG-TV	3,026,219	2,882,598	22,464
81507	KPXJ	1,138,632	1,135,626	8,850
61173	KPXL-TV	2,257,007	2,243,520	17,484
35907	KPXM-TV	3,507,312	3,506,503	27,326

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
58978	KPXN-TV	17,256,205	15,804,489	123,164
77483	KPXO-TV	953,329	913,341	7,118
21156	KPXR-TV	828,915	821,250	6,400
10242	KQCA	10,077,891	6,276,197	48,910
41430	KQCD-TV	35,623	33,415	260
18287	KQCK	3,220,160	3,162,711	24,647
78322	KQCW-DT	1,128,198	1,123,324	8,754
35525	KQDS-TV	304,935	301,439	2,349
35500	KQED	8,195,398	7,283,828	56,763
35663	KQEH	8,195,398	7,283,828	56,763
8214	KQET	2,981,040	2,076,157	16,179
5471	KQIN	596,371	596,277	4,647
17686	KQME	188,783	184,719	1,440
61063	KQSD-TV	32,526	31,328	244
8378	KQSL	196,316	133,564	1,041
20427	KQTV	1,494,987	1,401,160	10,919
78921	KQUP	697,016	551,824	4,300
306	KRBC-TV	229,395	229,277	1,787
166319	KRBK	983,888	966,187	7,529
22161	KRCA	17,540,791	16,957,292	132,148
57945	KRCB	8,783,441	8,503,802	66,270
41110	KRCG	684,989	662,418	5,162
8291	KRCR-TV	423,000	402,594	3,137
10192	KRCW-TV	2,966,912	2,842,523	22,152
49134	KRDK-TV	349,941	349,929	2,727
52579	KRDO-TV	2,622,603	2,272,383	17,709
70578	KREG-TV	149,306	95,141	741
34868	KREM	817,619	752,113	5,861
51493	KREN-TV	810,039	681,212	5,309
70596	KREX-TV	145,700	145,606	1,135
70579	KREY-TV	74,963	65,700	512
48589	KREZ-TV	148,079	105,121	819
43328	KRGV-TV	1,247,057	1,247,029	9,718
82698	KRII	133,840	132,912	1,036
29114	KRIN	949,313	923,735	7,199
25559	KRIS-TV	561,825	561,718	4,377
22204	KRIV	6,078,936	6,078,846	47,372
14040	KRMA-TV	3,722,512	3,564,949	27,782
14042	KRMJ	174,094	159,511	1,243
20476	KRMT	2,956,144	2,864,236	22,321
84224	KRMU	85,274	72,499	565
20373	KRMZ	36,293	33,620	262
47971	KRNE-TV	47,473	38,273	298
60307	KRNV-DT	955,490	792,543	6,176
65526	KRON-TV	8,573,167	8,028,256	62,564
53539	KRPV-DT	65,943	65,943	514
48575	KRQE	1,135,461	1,105,093	8,612
57431	KRSU-TV	1,000,289	998,310	7,780
82613	KRTN-TV	96,062	74,452	580
35567	KRTV	92,645	90,849	708
84157	KRWB-TV	111,538	110,979	865
35585	KRWF	85,596	85,596	667
55516	KRWG-TV	894,492	661,703	5,157
48360	KRXI-TV	725,391	548,865	4,277
307	KSAN-TV	135,063	135,051	1,052
11911	KSAS-TV	752,513	752,504	5,864
53118	KSAT-TV	2,539,658	2,502,246	19,500
35584	KSAX	365,209	365,209	2,846
35587	KSAX-TV	4,203,126	4,178,448	32,563
38214	KSBI	1,577,231	1,575,865	12,281
19653	KSBN	5,083,461	4,429,165	34,516
19654	KSBN-TV	535,029	495,562	3,862
82910	KSCC	517,740	517,740	4,035
10202	KSCD	1,015,148	1,010,581	7,875
35608	KSCI	17,447,903	16,331,792	127,274
72348	KSCW-DT	915,691	910,511	7,096
46981	KSDK	2,986,764	2,979,035	23,216
35594	KSEE	1,761,193	1,746,282	13,609
48658	KSFY-TV	670,536	607,844	4,737
17680	KSGW-TV	62,178	57,629	449
59444	KSHB-TV	2,432,205	2,431,273	18,947

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
73706	KSHV-TV	943,947	942,978	7,349
29096	KSIN-TV	340,143	338,811	2,640
664	KSIX-TV	82,902	73,553	573
35606	KSKN	731,818	643,590	5,015
70482	KSLA	1,017,556	1,016,667	7,923
6359	KSL-TV	2,390,742	2,206,920	17,199
71558	KSMN	320,813	320,808	2,500
33336	KSMO-TV	2,401,201	2,398,686	18,693
28510	KSMQ-TV	524,391	507,983	3,959
35611	KSMS-TV	1,589,263	882,948	6,881
21161	KSNB-TV	658,560	656,650	5,117
72359	KSNC	174,135	173,744	1,354
67766	KSNF	621,919	617,868	4,815
72361	KSNG	145,058	144,822	1,129
72362	KSNK	48,715	45,414	354
67335	KSNT	622,818	594,604	4,634
10179	KSNV	1,967,781	1,919,296	14,957
72358	KSNW	791,403	791,127	6,165
61956	KSPS-TV	819,101	769,852	5,999
52953	KSPX-TV	7,078,228	5,275,946	41,115
166546	KSQA	382,328	374,290	2,917
53313	KSRE	75,181	75,181	586
35843	KSTC-TV	3,843,788	3,835,674	29,891
63182	KSTF	51,317	51,122	398
28010	KSTP-TV	3,788,898	3,782,053	29,474
60534	KSTR-DT	6,632,577	6,629,296	51,662
64987	KSTS	8,363,473	7,264,852	56,615
22215	KSTU	2,384,996	2,201,716	17,158
23428	KSTW	4,265,956	4,186,266	32,624
5243	KSVI	175,390	173,667	1,353
58827	KSWB-TV	3,677,190	3,488,655	27,187
60683	KSWK	79,012	78,784	614
35645	KSWO-TV	483,132	458,057	3,570
61350	KSYS	519,209	443,204	3,454
59988	KTAB-TV	270,967	268,579	2,093
999	KTAJ-TV	2,343,843	2,343,227	18,261
35648	KTAL-TV	1,094,332	1,092,958	8,517
12930	KTAS	471,882	464,149	3,617
81458	KTAA	4,182,503	4,160,481	32,423
35649	KTBC	3,242,215	2,956,614	23,041
67884	KTBN-TV	17,795,677	16,510,302	128,665
67999	KTBO-TV	1,585,283	1,583,664	12,341
35652	KTBS-TV	1,163,228	1,159,665	9,037
28324	KTBU	6,035,927	6,035,725	47,036
67950	KTBW-TV	4,202,104	4,108,031	32,014
35655	KTBY	348,080	346,562	2,701
68594	KTCA-TV	3,693,877	3,684,081	28,710
68597	KTCI-TV	3,606,606	3,597,183	28,033
35187	KTCW	103,341	89,207	695
36916	KTDO	1,015,336	1,010,771	7,877
2769	KTEJ	419,750	417,368	3,253
83707	KTEL-TV	53,423	53,414	416
35666	KTEN	602,788	599,778	4,674
24514	KTFD-TV	3,210,669	3,172,543	24,724
35512	KTFF-DT	2,225,169	2,203,398	17,171
20871	KTFK-DT	6,969,307	5,211,719	40,615
68753	KTFN	1,017,335	1,013,157	7,896
35084	KTFQ-TV	1,151,433	1,117,061	8,705
29232	KTGM	159,358	159,091	1,240
2787	KTHV	1,275,062	1,246,348	9,713
29100	KTIN	281,096	279,385	2,177
66170	KTIV	751,089	746,274	5,816
49397	KTKA-TV	759,369	746,370	5,816
35670	KTLL	18,156,910	16,870,262	131,470
62354	KTLM	1,044,526	1,044,509	8,140
49153	KTLLN-TV	5,381,955	4,740,894	36,946
64984	KTMD	6,095,741	6,095,606	47,503
14675	KTMF	187,251	168,526	1,313
10177	KTMW	2,261,671	2,144,791	16,714
21533	KTNC-TV	8,270,858	7,381,656	57,525
47996	KTNE-TV	100,341	95,324	743

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
60519	KTNL-TV	8,642	8,642	67
74100	KTNV-TV	2,094,506	1,936,752	15,093
71023	KTNW	450,926	432,398	3,370
8651	KTOO-TV	31,269	31,176	243
7078	KTPX-TV	1,066,196	1,063,754	8,290
68541	KTRE	441,879	421,406	3,284
35675	KTRK-TV	6,114,259	6,112,870	47,638
28230	KTRV-TV	714,833	707,557	5,514
69170	KTSC	3,124,536	2,949,795	22,988
61066	KTSD-TV	83,645	82,828	645
37511	KTSF	7,959,349	7,129,638	55,561
67760	KTSM-TV	1,015,348	1,011,264	7,881
35678	KTTC	815,213	731,919	5,704
28501	KTTM	76,133	73,664	574
11908	KTTU	1,324,801	1,060,613	8,265
22208	KTTV	17,380,551	16,693,085	130,089
28521	KTTW	329,633	326,405	2,544
65355	KTTZ-TV	380,240	380,225	2,963
35685	KTUL	1,416,959	1,388,183	10,818
10173	KTUU-TV	380,240	379,047	2,954
77480	KTUZ-TV	1,668,531	1,666,026	12,983
49632	KTVA	342,517	342,300	2,668
34858	KTVB	714,865	707,882	5,517
31437	KTVC	137,239	100,204	781
68581	KTVD	3,800,970	3,547,607	27,647
35692	KTVE	641,139	640,201	4,989
49621	KTVF	98,068	97,929	763
5290	KTVH-DT	228,832	184,264	1,436
35693	KTVI	2,995,764	2,991,513	23,313
40993	KTVK	4,184,825	4,173,028	32,520
22570	KTVL	419,849	369,469	2,879
18066	KTVM-TV	260,105	217,694	1,696
59139	KTVN	955,490	800,420	6,238
21251	KTVO	148,780	148,647	1,158
35694	KTVQ	179,797	173,271	1,350
50592	KTVR	147,808	54,480	425
23422	KTVT	6,912,366	6,908,715	53,840
35703	KTVU	8,297,634	7,406,751	57,721
35705	KTVW-DT	4,173,111	4,159,807	32,417
68889	KTVX	2,389,392	2,200,520	17,149
55907	KTVZ	201,828	198,558	1,547
18286	KTWO-TV	80,426	79,905	623
70938	KTWU	1,703,798	1,562,305	12,175
51517	KTXA	6,915,461	6,911,822	53,864
42359	KTXD-TV	6,706,651	6,704,781	52,250
51569	KTXH	6,092,710	6,092,525	47,479
10205	KTXL	8,306,449	5,896,320	45,950
308	KTXS-TV	247,603	246,760	1,923
69315	KUAC-TV	98,717	98,189	765
51233	KUAM-TV	159,358	159,358	1,242
2722	KUAS-TV	994,802	977,391	7,617
2731	KUAT-TV	1,485,024	1,253,342	9,767
60520	KUBD	14,817	13,363	104
70492	KUBE-TV	6,090,970	6,090,817	47,466
1136	KUCW	2,388,889	2,199,787	17,143
69396	KUED	2,388,995	2,203,093	17,169
69582	KUEN	2,364,481	2,184,483	17,024
82576	KUES	30,925	25,978	202
82585	KUEW	132,168	120,411	938
66611	KUFM-TV	187,680	166,697	1,299
169028	KUGF-TV	86,622	85,986	670
68717	KUHM-TV	154,836	145,241	1,132
69269	KUHT	6,090,213	6,089,665	47,457
62382	KUID-TV	432,855	284,023	2,213
169027	KUKL-TV	124,505	115,844	903
35724	KULR-TV	177,242	170,142	1,326
41429	KUMV-TV	41,607	41,224	321
81447	KUNP	130,559	43,472	339
4624	KUNS-TV	4,027,849	4,015,626	31,294
86532	KUOK	28,974	28,945	226
66589	KUON-TV	1,375,257	1,360,005	10,599

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
86263	KUPB	318,914	318,914	2,485
65535	KUPK	149,642	148,180	1,155
27431	KUPT	87,602	87,602	683
89714	KUPU	956,178	948,005	7,388
57884	KUPX-TV	2,374,672	2,191,229	17,076
23074	KUSA	3,803,461	3,561,587	27,755
61072	KUSD-TV	460,480	460,277	3,587
10238	KUSI-TV	3,572,818	3,435,670	26,774
43567	KUSM-TV	122,678	109,830	856
69694	KUTF	1,210,774	1,031,870	8,041
81451	KUTH-DT	2,219,788	2,027,174	15,798
68886	KUTP	4,191,015	4,176,014	32,544
35823	KUTV	2,388,625	2,199,731	17,143
63927	KUVE-DT	1,294,971	964,396	7,516
7700	KUVI-DT	1,204,490	1,009,943	7,870
35841	KUVN-DT	6,680,126	6,678,157	52,043
58609	KUVS-DT	4,043,413	4,005,657	31,216
49766	KVAL-TV	1,016,673	866,173	6,750
32621	KVAW	76,153	76,153	593
58795	KVCR-DT	18,215,524	17,467,140	136,121
35846	KVCT	288,221	287,446	2,240
10195	KVCW	1,967,550	1,918,811	14,953
64969	KVDA	2,566,563	2,548,720	19,862
19783	KVEA	17,423,429	16,146,250	125,828
12523	KVEO-TV	1,244,504	1,244,504	9,698
2495	KVEW	476,720	464,347	3,619
35852	KVHP	747,917	747,837	5,828
49832	KVIA-TV	1,015,350	1,011,266	7,881
35855	KVIE	10,759,440	7,467,369	58,193
40450	KVIH-TV	91,912	91,564	714
40446	KVII-TV	379,042	378,218	2,947
61961	KVLY-TV	350,732	350,449	2,731
16729	KVMD	6,145,526	4,116,524	32,080
83825	KVME-TV	26,711	22,802	178
25735	KVOA	1,317,956	1,030,404	8,030
35862	KVOS-TV	2,202,674	2,131,652	16,612
69733	KVPT	1,744,349	1,719,318	13,399
55372	KVRR	356,645	356,645	2,779
166331	KVSN-DT	2,706,244	2,283,409	17,795
608	KVTH-DT	303,755	299,230	2,332
2784	KVTJ-DT	1,466,426	1,465,802	11,423
607	KVTN-DT	936,328	925,884	7,215
35867	KVUE	2,661,290	2,611,314	20,350
78910	KVUI	257,964	251,872	1,963
35870	KVVU-TV	2,042,029	1,935,466	15,083
36170	KVYE	396,495	392,498	3,059
35095	KWBA-TV	1,129,524	1,073,029	8,362
78314	KWBM	657,822	639,560	4,984
27425	KWBN	953,207	840,455	6,550
76268	KWBQ	1,148,810	1,105,600	8,616
66413	KWCH-DT	883,647	881,674	6,871
71549	KWCM-TV	252,284	244,033	1,902
35419	KWDK	4,194,152	4,117,852	32,090
42007	KWES-TV	424,862	423,544	3,301
50194	KWET	127,976	112,750	879
35881	KWEX-DT	2,376,463	2,370,469	18,473
35883	KWGN-TV	3,706,495	3,513,577	27,381
37099	KWHB	979,393	978,719	7,627
37103	KWHD	97,959	94,560	737
36846	KWHE	952,966	834,341	6,502
26231	KWHY-TV	17,736,497	17,695,306	137,900
35096	KWKB	1,121,676	1,111,629	8,663
162115	KWKS	39,708	39,323	306
12522	KWKT-TV	1,299,675	1,298,478	10,119
21162	KWNB-TV	91,093	89,332	696
67347	KWOG	512,412	505,049	3,936
56852	KWPX-TV	4,220,008	4,148,577	32,330
6885	KWQC-TV	1,063,507	1,054,618	8,219
29121	KWSD	280,675	280,672	2,187
53318	KWSE	54,471	53,400	416
71024	KWSU-TV	725,554	468,295	3,649

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
25382	KWTV-DT	1,628,106	1,627,198	12,681
35903	KWTX-TV	2,071,023	1,972,365	15,371
593	KWWL	1,089,498	1,078,458	8,404
84410	KWWT	293,291	293,291	2,286
14674	KWYB	86,495	69,598	542
10032	KWYP-DT	128,874	126,992	990
35920	KXAN-TV	2,678,666	2,624,648	20,454
49330	KXAS-TV	6,774,295	6,771,827	52,773
24287	KXGN-TV	14,217	13,883	108
35954	KXII	2,323,974	2,264,951	17,651
55083	KXLA	17,929,100	16,794,896	130,883
35959	KXLF-TV	258,100	217,808	1,697
53847	KXLN-DT	6,085,891	6,085,712	47,426
35906	KXLT-TV	348,025	347,296	2,706
61978	KXLY-TV	772,116	740,960	5,774
55684	KXMA-TV	32,005	31,909	249
55686	KXMB-TV	142,755	138,506	1,079
55685	KXMC-TV	97,569	89,483	697
55683	KXMD-TV	37,962	37,917	295
47995	KXNE-TV	300,021	298,839	2,329
81593	KXNW	602,168	597,747	4,658
35991	KXRM-TV	1,843,363	1,500,689	11,695
1255	KXTF	121,558	121,383	946
25048	KXTV	10,759,864	7,477,140	58,269
35994	KXTX-TV	6,721,578	6,718,616	52,358
62293	KXVA	185,478	185,276	1,444
23277	KXVO	1,404,703	1,403,380	10,937
9781	KXXV	1,771,620	1,748,287	13,624
31870	KYAZ	6,038,257	6,038,071	47,055
21488	KYES-TV	381,413	380,355	2,964
29086	KYIN	581,748	574,691	4,479
60384	KYLE-TV	323,330	323,225	2,519
33639	KYMA-DT	396,278	391,619	3,052
47974	KYNE-TV	929,406	929,242	7,242
53820	KYOU-TV	651,334	640,935	4,995
36003	KYTV	1,095,904	1,083,524	8,444
55644	KYTX	927,327	925,550	7,213
13815	KYUR	379,943	379,027	2,954
5237	KYUS-TV	12,496	12,356	96
33752	KYVE	301,951	259,559	2,023
55762	KYVV-TV	67,201	67,201	524
25453	KYW-TV	11,061,941	10,876,511	84,761
69531	KZJL	6,037,458	6,037,272	47,048
69571	KZJO	4,147,016	4,097,776	31,934
61062	KZSD-TV	41,207	35,825	279
33079	KZTV	567,635	564,464	4,399
57292	WAAY-TV	1,498,006	1,428,197	11,130
1328	WABC-TV	20,948,273	20,560,001	160,224
43203	WABG-TV	393,020	392,348	3,058
17005	WABI-TV	530,773	510,729	3,980
16820	WABM	1,703,202	1,675,700	13,059
23917	WABW-TV	1,097,560	1,096,376	8,544
19199	WACH	1,403,222	1,400,385	10,913
189358	WACP	9,415,263	9,301,049	72,483
23930	WACS-TV	621,686	616,443	4,804
60018	WACX	4,292,829	4,288,149	33,418
361	WACY-TV	946,580	946,071	7,373
455	WADL	4,610,065	4,606,521	35,899
589	WAFB	1,857,882	1,857,418	14,475
591	WAFF	1,527,517	1,456,436	11,350
70689	WAGA-TV	6,000,355	5,923,191	46,159
48305	WAGM-TV	64,721	63,331	494
37809	WAGV	1,193,158	1,060,935	8,268
706	WAIQ	611,733	609,794	4,752
701	WAKA	799,637	793,645	6,185
4143	WALA-TV	1,320,419	1,318,127	10,272
70713	WALB	773,899	772,467	6,020
60536	WAMI-DT	5,449,193	5,449,193	42,466
70852	WAND	1,388,118	1,386,074	10,802
39270	WANE-TV	1,146,442	1,146,442	8,934
52280	WAOE	2,943,679	2,887,654	22,503

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
64546	WAOW	636,957	629,068	4,902
52073	WAPA-TV	3,764,742	2,794,738	21,779
49712	WAPT	793,621	791,620	6,169
67792	WAQP	2,135,670	2,131,399	16,610
13206	WATC-DT	5,732,204	5,705,819	44,465
71082	WATE-TV	1,874,433	1,638,059	12,765
22819	WATL	5,882,837	5,819,099	45,348
20287	WATM-TV	893,989	749,183	5,838
11907	WATN-TV	1,787,595	1,784,560	13,907
13989	WAVE	1,891,797	1,880,563	14,655
71127	WAVY-TV	2,080,708	2,080,691	16,215
54938	WAWD	579,079	579,023	4,512
65247	WAWV-TV	705,790	700,361	5,458
12793	WAXN-TV	2,677,951	2,669,224	20,801
65696	WBAL-TV	9,743,335	9,344,875	72,825
74417	WBAY-TV	1,225,928	1,225,335	9,549
71085	WBBH-TV	2,017,267	2,017,267	15,721
65204	WBBJ-TV	662,148	658,839	5,134
9617	WBBM-TV	9,914,233	9,907,806	77,212
9088	WBBZ-TV	1,269,256	1,260,686	9,825
70138	WBDT	3,660,544	3,646,874	28,420
51349	WBEC-TV	5,421,355	5,421,355	42,249
10758	WBFF	8,523,983	8,381,042	65,313
12497	WBFS-TV	5,349,613	5,349,613	41,690
6568	WBGU-TV	1,343,816	1,343,816	10,472
81594	WBIF	309,707	309,707	2,414
84802	WBIH	718,439	706,994	5,510
717	WBIQ	1,563,080	1,532,266	11,941
46984	WBIR-TV	1,978,347	1,701,857	13,263
67048	WBKB-TV	136,823	130,625	1,018
34167	WBKI	2,062,137	2,046,808	15,951
4692	WBKO	963,413	862,651	6,723
76001	WBKP	55,655	55,305	431
68427	WBMM	562,284	562,123	4,381
73692	WBNA	1,699,683	1,666,248	12,985
23337	WBNG-TV	1,435,634	1,051,932	8,198
71217	WBNS-TV	2,847,721	2,784,795	21,702
72958	WBNX-TV	3,639,256	3,630,531	28,293
71218	WBOC-TV	813,888	813,888	6,343
71220	WBOY-TV	711,302	621,367	4,842
60850	WBPB-TV	10,613,847	9,474,797	73,837
7692	WBPX-TV	6,833,712	6,761,949	52,696
5981	WBRA-TV	1,726,408	1,677,204	13,070
71221	WBRC	1,884,007	1,849,135	14,410
71225	WBRE-TV	2,879,196	2,244,735	17,493
38616	WBRZ-TV	2,223,336	2,222,309	17,318
82627	WBSF	1,836,543	1,832,446	14,280
30826	WBTW	4,433,020	4,295,962	33,478
66407	WBTW	1,975,457	1,959,172	15,268
16363	WBUI	981,884	981,868	7,652
59281	WBUP	126,472	112,603	878
60830	WBUY-TV	1,569,254	1,567,815	12,218
72971	WBXX-TV	2,142,759	1,984,544	15,466
25456	WBZ-TV	7,960,556	7,730,847	60,246
63153	WCAU	11,269,831	11,098,540	86,491
363	WCAV	1,032,270	874,886	6,818
46728	WCAX-TV	784,748	665,685	5,188
39659	WCBB	964,079	910,222	7,093
10587	WCBD-TV	1,149,489	1,149,489	8,958
12477	WCBI-TV	680,511	678,424	5,287
9610	WCBS-TV	22,087,789	21,511,236	167,637
49157	WCCB	3,642,232	3,574,928	27,859
9629	WCCO-TV	3,837,442	3,829,714	29,845
14050	WCCT-TV	5,818,471	5,307,612	41,362
69544	WCCU	694,550	693,317	5,403
3001	WCCV-TV	3,391,703	2,062,994	16,077
23937	WCES-TV	1,098,868	1,097,706	8,554
65666	WCET	3,123,290	3,110,519	24,240
46755	WCFE-TV	445,131	411,198	3,204
71280	WCHS-TV	1,352,824	1,274,766	9,934
42124	WCIA	834,084	833,547	6,496



TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
711	WCIQ	3,186,320	3,016,907	23,511
71428	WCIU-TV	10,052,136	10,049,244	78,314
9015	WCIV	1,152,800	1,152,800	8,984
42116	WCIX	554,002	549,911	4,285
16993	WCJB-TV	977,492	977,492	7,618
11125	WCLF	4,097,389	4,096,624	31,925
68007	WCLJ-TV	2,305,723	2,303,534	17,951
50781	WCMH-TV	2,756,260	2,712,989	21,142
9917	WCML	233,439	224,255	1,748
9908	WCMU-TV	707,702	699,551	5,452
9922	WCMV	425,499	411,288	3,205
9913	WCMW	106,975	104,859	817
32326	WCNC-TV	3,883,049	3,809,706	29,689
53734	WCNY-TV	1,342,821	1,279,429	9,971
73642	WCOV-TV	889,102	884,417	6,892
40618	WCPB	560,426	560,426	4,367
59438	WCPO-TV	3,330,885	3,313,654	25,823
10981	WCPX-TV	9,753,235	9,751,916	75,997
71297	WCSC-TV	1,028,018	1,028,018	8,011
39664	WCSH	1,755,325	1,548,824	12,070
69479	WCTE	612,760	541,314	4,218
18334	WCTI-TV	1,671,152	1,668,833	13,005
31590	WCTV	1,065,524	1,065,464	8,303
33081	WCTX	7,844,936	7,332,431	57,142
65684	WCVB-TV	7,780,868	7,618,496	59,371
9987	WCVI-TV	1,721,004	1,712,249	13,344
83304	WCVI-TV	50,601	50,495	394
34204	WCVN-TV	2,129,816	2,120,349	16,524
9989	WCVW	1,505,484	1,505,330	11,731
73042	WCWF	1,077,314	1,077,194	8,395
35385	WCWG	3,630,551	3,299,114	25,710
29712	WCWJ	1,661,270	1,661,132	12,945
73264	WCWN	1,909,223	1,621,751	12,638
2455	WCYB-TV	2,363,002	2,057,404	16,033
11291	WDAF-TV	2,539,581	2,537,411	19,774
21250	WDAM-TV	512,594	500,343	3,899
22129	WDAY-TV	339,239	338,856	2,641
22124	WDAZ-TV	151,720	151,659	1,182
71325	WDBB	1,792,728	1,762,643	13,736
71326	WDBD	940,665	939,489	7,321
71329	WDBJ	1,626,017	1,435,762	11,189
51567	WDCA	8,070,491	8,015,328	62,463
16530	WDCQ-TV	1,269,199	1,269,199	9,891
30576	WDCW	8,155,998	8,114,847	63,239
54385	WDEF-TV	1,731,483	1,508,250	11,754
32851	WDFX-TV	271,499	270,942	2,111
43846	WDHN	452,377	451,978	3,522
71338	WDIO-DT	341,506	327,469	2,552
714	WDIQ	663,062	620,124	4,833
53114	WDIV-TV	5,450,318	5,450,174	42,473
71427	WDJT-TV	3,267,652	3,256,507	25,378
39561	WDKA	658,699	658,277	5,130
64017	WDKY-TV	1,204,817	1,173,579	9,146
67893	WDLI-TV	4,147,298	4,114,920	32,068
72335	WDPB	596,888	596,888	4,652
83740	WDPM-DT	1,365,977	1,364,744	10,635
1283	WDPN-TV	11,594,463	11,467,616	89,367
6476	WDPX-TV	6,833,712	6,761,949	52,696
28476	WDRB	2,054,813	2,037,086	15,875
12171	WDSC-TV	3,389,559	3,389,559	26,415
17726	WDSE	330,994	316,643	2,468
71353	WDSI-TV	1,100,302	1,042,191	8,122
71357	WDSU	1,649,083	1,649,083	12,851
7908	WDTI	2,092,242	2,091,941	16,302
65690	WDTN	3,660,544	3,646,874	28,420
70592	WDTV	962,532	850,394	6,627
25045	WDVM-TV	3,074,837	2,646,508	20,624
4110	WDWL	2,638,361	1,977,410	15,410
49421	WEAO	3,960,217	3,945,408	30,747
71363	WEAR-TV	1,520,973	1,520,386	11,848
7893	WEAU	1,006,393	971,050	7,567

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
61003	WEBA-TV	645,039	635,967	4,956
19561	WECN	2,886,669	2,157,288	16,812
48666	WECT	1,156,807	1,156,807	9,015
13602	WEDH	5,328,800	4,724,167	36,815
13607	WEDN	3,451,170	2,643,344	20,600
69338	WEDQ	5,379,887	5,365,612	41,814
21808	WEDU	5,379,887	5,365,612	41,814
13594	WEDW	5,996,408	5,544,708	43,210
13595	WEDY	5,328,800	4,724,167	36,815
24801	WEEK-TV	698,238	698,220	5,441
6744	WEFS	3,380,743	3,380,743	26,346
24215	WEHT	857,558	844,070	6,578
721	WEIQ	1,055,632	1,055,193	8,223
18301	WEIU-TV	458,480	458,416	3,572
69271	WEKW-TV	1,263,049	773,108	6,025
60825	WELF-TV	1,477,691	1,387,044	10,809
26602	WELU	2,248,146	1,678,682	13,082
40761	WENT	1,726,085	1,186,706	9,248
69237	WENH-TV	4,500,498	4,328,222	33,730
71508	WENY-TV	656,240	517,754	4,035
83946	WEPH	604,105	602,833	4,698
81508	WEPX-TV	950,012	950,012	7,403
25738	WESH	4,059,180	4,048,459	31,550
65670	WETA-TV	8,315,499	8,258,807	64,361
69944	WETK	670,087	558,842	4,355
60653	WETM-TV	721,800	620,074	4,832
18252	WETP-TV	2,167,383	1,888,574	14,718
2709	WEUX	380,569	373,680	2,912
72041	WEVV-TV	752,417	751,094	5,853
59441	WEWS-TV	4,112,984	4,078,299	31,782
72052	WEYI-TV	3,715,686	3,652,991	28,468
72054	WFAA	6,917,502	6,907,616	53,831
81669	WFBD	814,185	813,564	6,340
69532	WFDC-DT	8,155,998	8,114,847	63,239
10132	WFFF-TV	633,649	552,182	4,303
25040	WFFT-TV	1,095,429	1,095,411	8,537
11123	WFGC	3,018,351	3,018,351	23,522
6554	WFGX	1,493,866	1,493,319	11,637
13991	WFIE	743,079	740,909	5,774
715	WFIQ	546,563	544,258	4,241
64592	WFLA-TV	5,583,544	5,576,649	43,459
22211	WFLD	9,957,301	9,954,828	77,578
72060	WFLI-TV	1,294,209	1,189,897	9,273
39736	WFLX	5,740,086	5,740,086	44,732
72062	WFMJ-TV	4,328,477	3,822,691	29,790
72064	WFMY-TV	4,772,783	4,746,167	36,987
39884	WFMZ-TV	10,613,847	9,474,797	73,837
83943	WFNA	1,391,519	1,390,447	10,836
47902	WFOR-TV	5,398,266	5,398,266	42,069
11909	WFOX-TV	1,603,324	1,603,324	12,495
40626	WFPT	5,829,226	5,442,352	42,412
21245	WFPX-TV	2,637,949	2,634,141	20,528
25396	WFQX-TV	537,340	534,314	4,164
9635	WFRV-TV	1,263,353	1,256,376	9,791
53115	WFSB	4,752,788	4,370,519	34,059
6093	WFSG	364,961	364,796	2,843
21801	WFSU-TV	576,105	576,093	4,489
11913	WFTC	3,787,177	3,770,207	29,381
64588	WFTS-TV	5,236,379	5,236,287	40,806
16788	WFTT-TV	4,523,828	4,521,879	35,239
72076	WFTV	3,882,888	3,882,888	30,259
70649	WFTX-TV	1,758,172	1,758,172	13,701
60553	WFTY-DT	5,678,755	5,560,460	43,333
25395	WFUP	234,863	234,436	1,827
60555	WFUT-DT	19,992,096	19,643,518	153,082
22108	WFWA	1,035,114	1,034,862	8,065
9054	WFXB	1,393,865	1,393,510	10,860
3228	WFXG	1,070,032	1,057,760	8,243
70815	WFXL	793,637	785,106	6,118
19707	WFXP	583,315	562,500	4,384
24813	WFXR	1,426,061	1,286,450	10,025

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
6463	WFXT	7,494,070	7,400,830	57,675
22245	WFXU	218,273	218,273	1,701
43424	WFXV	702,682	612,494	4,773
25236	WFXW	274,078	270,967	2,112
41397	WFYI	2,389,627	2,388,970	18,617
53930	WGAL	6,287,688	5,610,833	43,725
2708	WGBA-TV	1,170,375	1,170,127	9,119
24314	WGBC	249,415	249,235	1,942
72099	WGBH-TV	7,711,842	7,601,732	59,240
12498	WGBD-TV	9,771,815	9,769,552	76,134
72098	WGBX-TV	7,803,280	7,636,641	59,512
72096	WGBY-TV	4,470,009	3,739,675	29,143
72120	WGCL-TV	6,027,276	5,961,471	46,458
62388	WGCN	1,510,671	1,510,671	11,773
54275	WGEM-TV	361,598	356,682	2,780
27387	WGEN-TV	43,037	43,037	335
7727	WGFL	877,163	877,163	6,836
25682	WGGB-TV	3,443,386	3,053,436	23,795
11027	WGGN-TV	1,991,462	1,969,331	15,347
9064	WGGT-TV	2,759,326	2,705,067	21,081
72106	WGHP	4,174,964	4,123,106	32,131
710	WGIQ	363,849	363,806	2,835
12520	WGMB-TV	1,742,708	1,742,659	13,581
25683	WGME-TV	1,495,724	1,325,465	10,329
24618	WGNM	742,458	741,502	5,779
72119	WGNO	1,641,765	1,641,765	12,794
9762	WGNT	2,128,079	2,127,891	16,583
72115	WGN-TV	9,942,959	9,941,552	77,475
40619	WGPT	578,294	344,300	2,683
65074	WGPX-TV	2,765,350	2,754,743	21,468
64547	WGRZ	1,878,725	1,812,309	14,123
63329	WGTA	1,061,654	1,030,538	8,031
66285	WGTE-TV	2,210,496	2,208,927	17,214
59279	WGTQ	95,618	92,019	717
59280	WGTU	358,543	353,477	2,755
23948	WGTW	5,880,594	5,832,714	45,454
7623	WGTW-TV	807,797	807,797	6,295
24783	WGVK	2,439,225	2,437,526	18,996
24784	WGVU-TV	1,825,744	1,784,264	13,905
21536	WGWG	986,963	986,963	7,691
56642	WGWV	1,677,166	1,647,976	12,843
58262	WGXA	779,955	779,087	6,071
73371	WHAM-TV	1,381,564	1,334,653	10,401
32327	WHAS-TV	1,955,983	1,925,901	15,009
6096	WHA-TV	1,635,777	1,628,950	12,694
13950	WHBF-TV	1,712,339	1,704,072	13,280
12521	WHBQ-TV	1,736,335	1,708,345	13,313
10894	WHBR	1,302,764	1,302,041	10,147
65128	WHDF	1,553,469	1,502,852	11,712
72145	WHDH	7,441,208	7,343,735	57,230
83929	WHDY	5,768,239	5,768,239	44,952
70041	WHEC-TV	1,322,243	1,279,606	9,972
67971	WHFT-TV	5,417,409	5,417,409	42,218
41458	WHIO-TV	3,877,520	3,868,597	30,148
713	WHIQ	1,278,174	1,225,940	9,554
61216	WHIZ-TV	917,531	847,762	6,607
65919	WHKY-TV	3,304,037	3,269,549	25,480
18780	WHLA-TV	554,446	515,561	4,018
48668	WHLT	484,432	483,532	3,768
24582	WHLV-TV	3,906,201	3,906,201	30,441
37102	WHMB-TV	2,959,585	2,889,145	22,515
61004	WHMC	774,921	774,921	6,039
36117	WHME-TV	1,455,358	1,455,110	11,340
37106	WHNO	1,499,653	1,499,653	11,687
72300	WHNS	2,549,610	2,270,868	17,697
48693	WHNT-TV	1,569,885	1,487,578	11,593
66221	WHO-DT	1,120,480	1,099,818	8,571
6866	WHOI	736,125	736,047	5,736
72313	WHP-TV	4,030,693	3,538,096	27,572
51980	WHPX-TV	5,579,464	5,114,336	39,856
73036	WHRM-TV	495,398	495,174	3,859

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
25932	WHRO-TV	2,169,238	2,169,237	16,905
68058	WHSB-TV	5,870,314	5,808,605	45,266
4688	WHSV-TV	845,013	711,912	5,548
9990	WHTJ	807,960	690,381	5,380
72326	WHTM-TV	2,829,585	2,367,000	18,446
11117	WHTN	1,914,755	1,905,733	14,851
27772	WHUT-TV	7,649,763	7,617,337	59,362
18793	WHWC-TV	994,710	946,335	7,375
72338	WHYY-TV	10,379,045	9,982,651	77,795
5360	WIAT	1,837,072	1,802,810	14,049
63160	WIBW-TV	1,234,347	1,181,009	9,204
25684	WICD	1,238,332	1,237,046	9,640
25686	WICS	1,149,358	1,147,264	8,941
24970	WICU-TV	740,115	683,435	5,326
62210	WICZ-TV	1,249,974	965,416	7,523
18410	WIDP	2,559,306	1,899,768	14,805
26025	WIFS	1,583,693	1,578,870	12,304
720	WIIQ	353,241	347,685	2,710
68939	WILL-TV	1,178,545	1,158,147	9,025
6863	WILX-TV	3,378,644	3,218,221	25,080
22093	WINK-TV	1,851,105	1,851,105	14,426
67787	WINM	1,001,485	971,031	7,567
41314	WINP-TV	2,935,057	2,883,944	22,475
3646	WIPB	1,965,353	1,965,174	15,315
48408	WIPL	850,656	799,165	6,228
53863	WIPM-TV	2,196,157	1,554,017	2,253
53859	WIPR-TV	3,596,802	2,811,148	21,907
10253	WIPX-TV	2,305,723	2,303,534	17,951
39887	WIRS	1,153,382	761,454	4,676
71336	WIRT-DT	127,001	126,300	984
13990	WIS	2,644,715	2,600,887	20,269
65143	WISC-TV	1,734,112	1,697,537	13,229
13960	WISE-TV	1,070,155	1,070,155	8,340
39269	WISH-TV	2,912,963	2,855,253	22,251
65680	WISN-TV	3,003,636	2,997,695	23,361
73083	WITF-TV	2,412,561	2,191,501	17,078
73107	WITI	3,111,641	3,102,097	24,175
594	WITN-TV	1,861,458	1,836,905	14,315
61005	WITV	871,783	871,783	6,794
7780	WIVB-TV	1,900,503	1,820,106	14,184
11260	WIVT	855,138	613,934	4,784
60571	WIWN	3,338,845	3,323,941	25,903
62207	WIYC	639,641	637,499	4,968
73120	WJAC-TV	2,219,529	1,897,986	14,791
10259	WJAL	8,750,706	8,446,074	65,820
50780	WJAR	7,108,180	6,976,099	54,365
35576	WJAX-TV	1,630,782	1,630,782	12,709
27140	WJBF	1,601,088	1,588,444	12,379
73123	WJBK	5,748,623	5,711,224	44,508
37174	WJCL	938,086	938,086	7,311
73130	WJCT	1,624,624	1,624,033	12,656
29719	WJEB-TV	1,607,603	1,607,603	12,528
65749	WJET-TV	747,431	717,721	5,593
7651	WJFB	1,805,891	1,798,600	14,016
49699	WJFW-TV	277,530	268,295	2,091
73136	WJHG-TV	864,121	859,823	6,701
57826	WJHL-TV	2,034,663	1,462,129	11,394
68519	WJKT	655,780	655,373	5,107
1051	WJLA-TV	8,750,706	8,447,643	65,832
86537	WJLP	21,384,863	21,119,366	164,583
9630	WJMN-TV	160,991	154,424	1,203
61008	WJPM-TV	623,965	623,813	4,861
58340	WJPX	3,254,481	2,500,195	19,484
21735	WJRT-TV	2,788,684	2,543,446	19,821
23918	WJSP-TV	4,225,860	4,188,428	32,640
41210	WJTC	1,381,529	1,379,283	10,749
48667	WJTV	987,206	980,717	7,643
73150	WJW	3,977,148	3,905,325	30,434
61007	WJWJ-TV	1,034,555	1,034,555	8,062
58342	WJWN-TV	1,962,885	1,405,189	4,676
53116	WJXT	1,622,616	1,622,616	12,645

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
11893	WJXX	1,618,191	1,617,272	12,603
32334	WJYS	9,667,341	9,667,317	75,337
25455	WJZ-TV	9,743,335	9,350,346	72,867
73152	WJZY	4,432,745	4,301,117	33,519
64983	WKAQ-TV	3,697,088	2,731,588	21,287
6104	WKAR-TV	1,693,373	1,689,830	13,169
34171	WKAS	542,308	512,994	3,998
51570	WKBD-TV	5,065,617	5,065,350	39,474
73153	WKBN-TV	4,898,622	4,535,576	35,346
13929	WKBS-TV	1,082,894	937,847	7,309
74424	WKBT-DT	866,325	824,795	6,428
54176	WKBW-TV	2,247,191	2,161,366	16,844
53465	WKCF	4,241,181	4,240,354	33,045
73155	WKEF	3,730,595	3,716,127	28,960
34177	WKGB-TV	413,268	411,587	3,207
34196	WKHA	511,281	400,721	3,123
34207	WKLE	856,237	846,630	6,598
34212	WKMA-TV	524,617	524,035	4,084
71293	WKMG-TV	3,803,492	3,803,492	29,641
34195	WKMJ-TV	1,477,906	1,470,645	11,461
34202	WKMR	463,316	428,462	3,339
34174	WKMU	344,430	344,050	2,681
42061	WKNO	1,645,867	1,642,092	12,797
83931	WKNX-TV	1,684,178	1,459,493	11,374
34205	WKOI	584,645	579,258	4,514
67869	WKOI-TV	3,660,544	3,646,874	28,420
34211	WKON	1,080,274	1,072,320	8,357
18267	WKOP-TV	1,555,654	1,382,098	10,771
64545	WKOW	1,918,224	1,899,746	14,805
21432	WKPC-TV	1,525,919	1,517,701	11,827
65758	WKPD	283,454	282,250	2,200
34200	WKPI-TV	606,666	481,220	3,750
27504	WKPT-TV	1,131,213	887,806	6,919
58341	WKPV	1,132,932	731,199	4,676
11289	WKRC-TV	3,281,914	3,229,223	25,165
73187	WKRG-TV	1,526,600	1,526,075	11,893
73188	WKRN-TV	2,409,767	2,388,588	18,614
34222	WKSO-TV	658,441	642,090	5,004
40902	WKTC	1,387,229	1,386,779	10,807
60654	WKTV	1,573,503	1,342,387	10,461
73195	WKYC	4,180,327	4,124,135	32,139
24914	WKYT-TV	1,174,615	1,156,978	9,016
71861	WKYU-TV	411,448	409,310	3,190
34181	WKZT-TV	1,044,532	1,020,878	7,956
18819	WLAE-TV	1,397,967	1,397,967	10,894
36533	WLAI	4,100,475	4,063,963	31,670
2710	WLAX	469,017	447,381	3,486
68542	WLBT	948,671	947,857	7,387
39644	WLBZ	373,129	364,346	2,839
69328	WLED-TV	332,718	174,998	1,364
63046	WLEF-TV	192,283	191,149	1,490
73203	WLEX-TV	969,481	964,735	7,518
37806	WLFB	808,036	680,534	5,303
37808	WLFG	1,614,321	1,282,063	9,991
73204	WLFI-TV	2,243,009	2,221,313	17,311
73205	WLFL	3,640,360	3,636,542	28,340
11113	WLGA	950,018	943,236	7,351
19777	WLII-DT	2,801,102	2,153,564	13,928
37503	WLIO	1,067,232	1,050,170	8,184
38336	WLIW	20,027,920	19,717,729	153,660
27696	WLJC-TV	1,401,072	1,281,256	9,985
71645	WLJT-DT	385,493	385,380	3,003
53939	WLKY	1,927,997	1,919,810	14,961
11033	WLLA	2,081,693	2,081,436	16,221
17076	WLMB	2,754,484	2,747,490	21,411
68518	WLMT	1,736,552	1,733,496	13,509
22591	WLNE-TV	6,429,522	6,381,825	49,734
74420	WLNS-TV	4,100,475	4,063,963	31,670
73206	WLNK-TV	7,501,199	7,415,578	57,790
84253	WLOO	913,960	912,674	7,112
56537	WLOS	3,086,751	2,544,360	19,828

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
37732	WLOV-TV	609,526	607,780	4,736
13995	WLOX	1,182,149	1,170,659	9,123
38586	WLPB-TV	1,219,624	1,219,407	9,503
73189	WLPX-TV	1,066,912	1,022,543	7,969
66358	WLRN-TV	5,447,399	5,447,399	42,452
73226	WLS-TV	10,174,464	10,170,757	79,261
73230	WLTW-DT	5,427,398	5,427,398	42,296
37176	WLTZ	1,580,677	1,578,645	12,302
37179	WLTZ	689,521	685,358	5,341
21259	WLUC-TV	92,246	85,393	665
4150	WLUK-TV	1,251,563	1,247,414	9,721
73238	WLVJ	7,441,208	7,343,735	57,230
36989	WLVT-TV	10,613,847	9,474,797	73,837
3978	WLWC	3,281,532	3,150,875	24,555
46979	WLWT	3,367,381	3,355,009	26,146
54452	WLXI	4,184,851	4,166,318	32,468
55350	WLYH	2,829,585	2,367,000	18,446
43192	WMAB-TV	407,794	401,487	3,129
43170	WMAE-TV	686,076	653,173	5,090
43197	WMAH-TV	1,257,393	1,256,995	9,796
43176	WMAO-TV	369,696	369,343	2,878
47905	WMAQ-TV	9,914,395	9,913,272	77,254
59442	WMAR-TV	9,198,495	9,072,076	70,699
43184	WMAU-TV	642,328	636,504	4,960
43193	WMAV-TV	1,008,339	1,008,208	7,857
43169	WMAW-TV	726,173	715,450	5,576
46991	WMAZ-TV	1,185,678	1,136,616	8,858
66398	WMBB	935,027	914,607	7,128
43952	WMBC-TV	18,706,132	18,458,331	143,846
42121	WMBD-TV	742,729	742,660	5,788
83969	WMBF-TV	445,363	445,363	3,471
60829	WMCF-TV	612,942	609,635	4,751
9739	WMCN-TV	10,379,045	9,982,651	77,795
19184	WMC-TV	2,047,403	2,043,125	15,922
189357	WMDE	6,384,827	6,257,910	48,768
73255	WMDN	278,227	278,018	2,167
16455	WMDT	731,931	731,931	5,704
39656	WMEA-TV	902,755	853,857	6,654
39648	WMEB-TV	511,761	494,574	3,854
70537	WMEC	218,027	217,839	1,698
39649	WMED-TV	30,488	29,577	230
39662	WMEM-TV	71,700	69,981	545
41893	WMFD-TV	1,561,367	1,324,244	10,320
41436	WMFP	5,792,048	5,564,295	43,363
61111	WMGM-TV	807,797	807,797	6,295
43847	WMGT-TV	601,894	601,309	4,686
73263	WMHT	1,719,949	1,550,977	12,087
68545	WMLW-TV	1,843,933	1,843,663	14,368
53819	WMOR-TV	5,394,541	5,394,541	42,040
81503	WMOW	121,150	105,957	826
65944	WMPB	7,279,563	7,190,696	56,037
43168	WMPN-TV	856,237	854,089	6,656
65942	WMPT	8,637,742	8,584,398	66,898
60827	WMPV-TV	1,423,052	1,422,411	11,085
10221	WMSN-TV	1,947,942	1,927,158	15,018
2174	WMTJ	3,143,148	2,365,308	18,433
6870	WMTV	1,548,616	1,545,459	12,044
73288	WMTW	1,940,292	1,658,816	12,927
23935	WMUM-TV	862,740	859,204	6,696
73292	WMUR-TV	5,192,179	5,003,980	38,996
42663	WMVS	3,172,534	3,112,231	24,254
42665	WMTV	3,172,534	3,112,231	24,254
81946	WMWC-TV	946,858	916,989	7,146
56548	WMYA-TV	1,650,798	1,571,594	12,247
74211	WMYD	5,750,989	5,750,873	44,817
20624	WMYT-TV	4,432,745	4,301,117	33,519
25544	WMYV	3,901,915	3,875,210	30,200
73310	WNAB	2,176,984	2,166,809	16,886
73311	WNAC-TV	7,310,183	6,959,064	54,232
47535	WNBC	21,952,082	21,399,204	166,764
83965	WNBW-DT	1,400,631	1,396,012	10,879

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
72307	WNCF	667,683	665,950	5,190
50782	WNCN	3,795,494	3,783,131	29,482
57838	WNCT-TV	1,935,414	1,887,929	14,713
41674	WNDU-TV	1,863,764	1,835,398	14,303
28462	WNDY-TV	2,912,963	2,855,253	22,251
71928	WNED-TV	1,387,961	1,370,480	10,680
60931	WNEH	1,261,482	1,255,218	9,782
41221	WNEM-TV	1,475,094	1,471,908	11,471
49439	WNEO	3,353,869	3,271,369	25,494
73318	WNEP-TV	3,429,213	2,838,000	22,117
18795	WNET	21,113,760	20,615,190	160,654
51864	WNEU	7,135,190	7,067,520	55,077
23942	WNGH-TV	5,744,856	5,595,366	43,605
67802	WNIN	883,322	865,128	6,742
41671	WNIT	1,305,447	1,305,447	10,173
48457	WNJB	20,787,272	20,036,393	156,144
48477	WNJN	20,787,272	20,036,393	156,144
48481	WNJS	7,211,292	7,176,711	55,928
48465	WNJT	7,211,292	7,176,711	55,928
73333	WNJU	21,952,082	21,399,204	166,764
73336	WNJX-TV	1,585,248	1,149,468	2,381
61217	WNKY	379,002	377,357	2,941
71905	WNLO	1,900,503	1,820,106	14,184
4318	WNMU	181,736	179,662	1,400
73344	WNNE	792,551	676,539	5,272
54280	WNOL-TV	1,632,389	1,632,389	12,721
71676	WNPB-TV	2,130,047	1,941,707	15,132
62137	WNPI-DT	167,931	161,748	1,261
41398	WNPT	2,260,463	2,227,570	17,359
28468	WNPX-TV	2,084,890	2,071,017	16,139
61009	WNSC-TV	2,431,154	2,425,044	18,898
61010	WNTV	2,419,841	2,211,019	17,230
16539	WNTZ-TV	344,704	343,849	2,680
7933	WNUV	9,098,694	8,906,508	69,408
9999	WNVG	807,960	690,381	5,380
10019	WNVY	1,721,004	1,712,249	13,344
73354	WNWO-TV	2,232,660	2,232,660	17,399
136751	WNYA	1,540,430	1,406,032	10,957
30303	WNYB	1,785,269	1,756,096	13,685
6048	WNYE-TV	19,185,983	19,015,910	148,191
34329	WNYI	1,627,542	1,338,811	10,433
67784	WNYO-TV	1,430,491	1,409,756	10,986
73363	WNYT	1,679,494	1,516,775	11,820
22206	WNYW	20,075,874	19,753,060	153,936
69618	WOAI-TV	2,525,811	2,513,887	19,591
66804	WOAY-TV	581,486	443,210	3,454
41225	WOFL	4,048,104	4,043,672	31,512
70651	WOGX	1,112,408	1,112,408	8,669
8661	WOI-DT	1,173,757	1,170,432	9,121
39746	WOIO	3,821,233	3,745,335	29,187
71725	WOLE-DT	1,784,094	1,312,984	10,232
73375	WOLF-TV	2,990,646	2,522,858	19,661
60963	WOLO-TV	2,635,715	2,594,980	20,223
36838	WOOD-TV	2,507,053	2,501,084	19,491
67602	WOPX-TV	3,877,863	3,877,805	30,220
64865	WORA-TV	2,733,629	2,149,090	2,873
73901	WORO-DT	3,243,301	2,511,742	19,574
60357	WOST	1,193,381	853,762	6,653
66185	WOSU-TV	2,843,651	2,776,901	21,640
131	WOTF-TV	3,451,383	3,451,383	26,897
10212	WOTV	2,368,797	2,368,397	18,457
50147	WOUB-TV	756,762	734,988	5,728
50141	WOUC-TV	1,713,515	1,649,853	12,857
23342	WOWK-TV	1,159,175	1,083,663	8,445
65528	WOWT	1,380,979	1,377,287	10,733
31570	WPAN	637,347	637,347	4,967
4190	WPBA	5,217,180	5,200,958	40,531
51988	WPBF	3,190,307	3,186,405	24,832
21253	WPBN-TV	442,005	430,953	3,358
62136	WPBS-DT	338,448	301,692	2,351
13456	WPBT	5,416,604	5,416,604	42,212

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
13924	WPCB-TV	2,934,614	2,800,516	21,824
64033	WPCH-TV	5,948,778	5,874,163	45,777
4354	WPCT	195,270	194,869	1,519
69880	WPCW	3,393,365	3,188,441	24,848
17012	WPDE-TV	1,772,233	1,769,553	13,790
52527	WPEC	5,788,448	5,788,448	45,109
84088	WPFO	1,329,690	1,209,873	9,429
54728	WPGA-TV	559,495	559,025	4,356
60820	WPGD-TV	2,355,629	2,343,715	18,265
73875	WPGH-TV	3,236,098	3,121,767	24,328
2942	WPGX	425,098	422,872	3,295
73879	WPHL-TV	10,421,216	10,246,856	79,854
73881	WPIX	20,638,932	20,213,158	157,521
53113	WPLG	5,587,129	5,587,129	43,540
11906	WPMI-TV	1,468,001	1,467,594	11,437
10213	WPMT	2,412,561	2,191,501	17,078
18798	WPNE-TV	1,161,295	1,160,631	9,045
73907	WPNT	3,172,170	3,064,423	23,881
28480	WPPT	10,613,847	9,474,797	73,837
51984	WPPX-TV	8,206,117	7,995,941	62,312
47404	WPRI-TV	7,254,721	6,990,606	54,478
51991	WPSD-TV	883,814	879,213	6,852
12499	WPSG	10,232,988	9,925,334	77,348
66219	WPSU-TV	1,055,133	868,013	6,764
73905	WPTA	1,099,180	1,099,180	8,566
25067	WPTD	3,423,417	3,411,727	26,588
25065	WPTO	2,961,254	2,951,883	23,004
59443	WPTV-TV	5,840,102	5,840,102	45,512
57476	WPTZ	792,551	676,539	5,272
8616	WPVI-TV	11,491,587	11,302,701	88,082
48772	WPWR-TV	9,957,301	9,954,828	77,578
51969	WPXA-TV	6,587,205	6,458,510	50,331
71236	WPXC-TV	1,561,014	1,561,014	12,165
5800	WPXD-TV	5,249,447	5,249,447	40,909
37104	WPXE-TV	3,067,071	3,057,388	23,826
48406	WPXG-TV	2,577,848	2,512,150	19,577
73312	WPXH-TV	1,471,601	1,451,634	11,313
73910	WPXI	3,300,896	3,197,864	24,921
2325	WPXJ-TV	2,357,870	2,289,706	17,844
52628	WPXK-TV	1,801,997	1,577,806	12,296
21729	WPXL-TV	1,639,180	1,639,180	12,774
48608	WPXM-TV	5,153,621	5,153,621	40,162
73356	WPXN-TV	20,878,066	20,454,468	159,402
27290	WPXP-TV	5,565,072	5,565,072	43,369
50063	WPXQ-TV	3,281,532	3,150,875	24,555
70251	WPXR-TV	1,375,640	1,200,331	9,354
40861	WPXS	2,339,305	2,251,498	17,546
53065	WPXT	1,002,128	952,535	7,423
37971	WPXU-TV	690,613	690,613	5,382
67077	WPXV-TV	1,919,794	1,919,794	14,961
74091	WPXW-TV	8,075,268	8,024,342	62,534
21726	WPXX-TV	1,562,675	1,560,834	12,164
73319	WQAD-TV	1,101,012	1,089,523	8,491
65130	WQCW	1,307,345	1,236,020	9,632
71561	WQEC	183,969	183,690	1,431
41315	WQED	3,529,305	3,426,684	26,704
3255	WQHA	1,052,107	730,913	5,696
60556	WQHS-DT	3,996,567	3,952,672	30,803
53716	WQLN	602,232	577,633	4,501
52075	WQMY	410,269	254,586	1,984
64550	WQOW	369,066	358,576	2,794
5468	WQPT-TV	595,685	595,437	4,640
64690	WQPX-TV	1,644,283	1,212,587	9,450
52408	WQRF-TV	1,375,774	1,354,979	10,559
2175	WQTO	2,864,201	1,598,365	5,727
8688	WRAL-TV	3,852,675	3,848,801	29,994
10133	WRAY-TV	4,184,851	4,166,318	32,468
64611	WRAZ	3,800,594	3,797,515	29,594
136749	WRBJ-TV	1,030,831	1,028,010	8,011
3359	WRBL	1,493,140	1,461,459	11,389
57221	WRBU	2,933,497	2,929,776	22,832



TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
54940	WRBW	4,080,267	4,077,341	31,775
59137	WRCB	1,587,742	1,363,582	10,626
47904	WRC-TV	8,188,601	8,146,696	63,487
54963	WRDC	3,972,477	3,966,864	30,914
55454	WRDQ	3,931,023	3,931,023	30,634
73937	WRDW-TV	1,564,584	1,533,682	11,952
66174	WREG-TV	1,642,307	1,638,585	12,769
61011	WRET-TV	2,419,841	2,211,019	17,230
73940	WREX	2,303,027	2,047,951	15,960
54443	WRFB	2,674,527	1,975,375	21,287
73942	WRGB	1,757,575	1,645,483	12,823
411	WRGT-TV	3,451,036	3,416,078	26,621
74416	WRIC-TV	2,059,152	1,996,075	15,555
61012	WRJA-TV	1,127,088	1,119,936	8,728
412	WRLH-TV	2,017,508	1,959,111	15,267
61013	WRLK-TV	1,229,094	1,228,616	9,575
43870	WRLM	3,960,217	3,945,408	30,747
74156	WRNN-TV	19,853,836	19,615,370	152,863
73964	WROC-TV	1,203,412	1,185,203	9,236
159007	WRPT	110,009	109,937	857
20590	WRPX-TV	2,637,949	2,634,141	20,528
62009	WRSP-TV	1,156,134	1,154,040	8,993
40877	WRTV	2,919,683	2,895,164	22,562
15320	WRUA	2,905,193	2,121,362	16,532
71580	WRXY-TV	1,784,000	1,784,000	13,903
48662	WSAV-TV	1,000,315	1,000,309	7,795
6867	WSAW-TV	652,442	646,386	5,037
36912	WSAZ-TV	1,239,187	1,168,954	9,110
56092	WSBE-TV	7,535,710	7,266,304	56,626
73982	WSBK-TV	7,290,901	7,225,463	56,308
72053	WSBS-TV	42,952	42,952	335
73983	WSBT-TV	1,763,215	1,752,698	13,659
23960	WSB-TV	5,897,425	5,828,269	45,420
69446	WSCG	867,516	867,490	6,760
64971	WSCV	5,465,435	5,465,435	42,592
70536	WSEC	541,118	540,495	4,212
49711	WSEE-TV	613,176	595,476	4,641
21258	WSES	1,548,117	1,513,982	11,798
73988	WSET-TV	1,569,722	1,323,180	10,312
13993	WSFA	1,168,636	1,133,724	8,835
11118	WSFJ-TV	1,675,987	1,667,150	12,992
10203	WSFL-TV	5,344,129	5,344,129	41,647
72871	WSFX-TV	970,833	970,833	7,566
73999	WSIL-TV	672,560	669,176	5,215
4297	WSIU-TV	1,019,939	937,070	7,303
74007	WSJV	1,522,499	1,522,499	11,865
78908	WSKA	546,588	431,354	3,362
74034	WSKG-TV	892,402	633,163	4,934
76324	WSKY-TV	1,934,585	1,934,519	15,076
57840	WSLS-TV	1,447,286	1,277,753	9,958
21737	WSMH	2,339,224	2,327,660	18,139
41232	WSMV-TV	2,447,769	2,404,766	18,740
70119	WSNS-TV	9,914,395	9,913,272	77,254
74070	WSOC-TV	3,706,808	3,638,832	28,357
66391	WSPA-TV	3,388,945	3,227,025	25,148
64352	WSPX-TV	1,298,295	1,174,763	9,155
17611	WSRE	1,354,495	1,353,634	10,549
63867	WSST-TV	331,907	331,601	2,584
60341	WSTE-DT	3,723,930	3,033,241	23,638
21252	WSTM-TV	1,455,586	1,379,393	10,750
11204	WSTR-TV	3,297,280	3,286,795	25,614
19776	WSUR-DT	3,714,790	3,015,529	10,232
2370	WSVI	50,601	50,601	394
63840	WSVN	5,588,748	5,588,748	43,553
73374	WSWB	1,530,002	1,102,316	8,590
28155	WSWG	381,004	380,910	2,968
71680	WSWP-TV	858,726	659,416	5,139
74094	WSYM-TV	1,498,905	1,498,671	11,679
73113	WSYR-TV	1,329,933	1,243,035	9,687
40758	WSYT	1,970,721	1,739,071	13,553
56549	WSYX	2,635,937	2,592,420	20,203

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
65681	WTAE-TV	2,995,755	2,860,979	22,296
23341	WTAJ-TV	1,187,718	948,598	7,392
4685	WTAP-TV	512,358	494,914	3,857
416	WTAT-TV	1,111,476	1,111,476	8,662
67993	WTBY-TV	15,858,470	15,766,438	122,868
29715	WTCE-TV	2,620,599	2,620,599	20,422
65667	WTCI	1,204,613	1,099,395	8,568
67786	WTCT	608,457	607,620	4,735
28954	WTCV	3,254,481	2,500,195	19,484
74422	WTEN	1,902,431	1,613,747	12,576
9881	WTGL	3,707,507	3,707,507	28,893
27245	WTGS	966,519	966,357	7,531
70655	WTHI-TV	928,934	886,846	6,911
70162	WTHR	2,949,339	2,901,633	22,612
147	WTIC-TV	5,318,753	4,707,697	36,687
26681	WTIN-TV	3,714,547	2,898,224	2,381
66536	WTIU	1,570,257	1,569,135	12,228
1002	WTJP-TV	1,947,743	1,907,300	14,864
4593	WTJR	334,527	334,221	2,605
70287	WTJX-TV	135,017	121,498	947
47401	WTKR	2,149,376	2,149,375	16,750
82735	WTLF	349,696	349,691	2,725
23486	WTLH	1,065,127	1,065,105	8,300
67781	WTLJ	1,622,365	1,621,227	12,634
65046	WTLV	1,757,600	1,739,021	13,552
1222	WTLW	1,646,714	1,644,206	12,813
74098	WTMJ-TV	3,096,406	3,085,983	24,049
74109	WTNH	7,845,782	7,332,431	57,142
19200	WTNZ	1,699,427	1,513,754	11,797
590	WTOC-TV	993,098	992,658	7,736
74112	WTOG	4,796,964	4,796,188	37,377
4686	WTOK-TV	410,134	404,555	3,153
13992	WTOL	4,184,020	4,174,198	32,530
21254	WTOM-TV	83,379	81,092	632
74122	WTOV-TV	3,892,886	3,619,899	28,210
82574	WTPC-TV	2,049,246	2,042,851	15,920
86496	WTPX-TV	255,972	255,791	1,993
6869	WTRF-TV	2,941,511	2,565,375	19,992
67798	WTSF	922,441	851,465	6,635
11290	WTSP	5,511,840	5,494,925	42,822
4108	WTTA	5,583,544	5,576,649	43,459
74137	WTTE	2,690,341	2,650,354	20,654
22207	WTTG	8,070,491	8,015,328	62,463
56526	WTTK	2,844,384	2,825,807	22,022
74138	WTTQ	1,817,151	1,786,516	13,922
56523	WTTV	2,522,077	2,518,133	19,624
10802	WTTW	9,729,982	9,729,634	75,823
74148	WTV	823,492	810,123	6,313
22590	WTV	1,579,628	1,366,976	10,653
8617	WTV	3,790,354	3,775,757	29,424
55305	WTV	5,156,905	5,152,997	40,157
36504	WTV	2,384,622	2,367,601	18,451
74150	WTV	4,274,274	4,263,894	33,229
74151	WTV	1,350,223	1,275,171	9,937
10645	WTV	2,856,703	2,829,960	22,054
63154	WTV	5,458,451	5,458,451	42,538
595	WTV	1,498,667	1,405,957	10,957
72945	WTV	1,409,708	1,398,825	10,901
28311	WTV	678,884	678,539	5,288
51597	WTVQ-DT	989,786	983,552	7,665
57832	WTVR-TV	1,816,197	1,809,035	14,098
16817	WTVS	5,511,091	5,510,837	42,946
68569	WTVT	5,475,385	5,462,416	42,569
3661	WTVW	839,003	834,187	6,501
35575	WTVX	3,157,609	3,157,609	24,607
4152	WTVY	974,532	971,173	7,568
40759	WTVZ-TV	2,156,534	2,156,346	16,804
66908	WTWC-TV	1,061,101	1,061,079	8,269
20426	WTWO	737,341	731,294	5,699
81692	WTWV	1,527,511	1,526,625	11,897
51568	WTVX-TV	10,784,256	10,492,549	81,768

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
41065	WTXL-TV	1,054,514	1,054,322	8,216
8532	WUAB	3,821,233	3,745,335	29,187
12855	WUCF-TV	3,707,507	3,707,507	28,893
36395	WUCW	3,664,480	3,657,236	28,501
69440	WUFT	1,372,142	1,372,142	10,693
413	WUHF	1,152,580	1,147,972	8,946
8156	WUJA	2,638,361	1,977,410	15,410
69080	WUNC-TV	4,184,851	4,166,318	32,468
69292	WUND-TV	1,506,640	1,506,640	11,741
69114	WUNE-TV	3,146,865	2,625,942	20,464
69300	WUNF-TV	2,335,055	2,068,975	16,124
69124	WUNG-TV	3,605,143	3,588,220	27,963
60551	WUNI	7,209,571	7,084,349	55,208
69332	WUNJ-TV	1,081,274	1,081,274	8,426
69149	WUNK-TV	2,018,916	2,013,516	15,691
69360	WUNL-TV	3,055,263	2,834,274	22,087
69444	WUNM-TV	1,357,346	1,357,346	10,578
69397	WUNP-TV	1,402,186	1,393,524	10,860
69416	WUNU	1,202,495	1,201,481	9,363
83822	WUNW	1,109,237	570,072	4,443
6900	WUPA	5,966,454	5,888,379	45,888
13938	WUPL	1,721,320	1,721,320	13,414
10897	WUPV	1,933,664	1,914,643	14,921
19190	WUPW	2,100,914	2,099,572	16,362
23128	WUPX-TV	1,102,435	1,089,118	8,487
65593	WUSA	8,750,706	8,446,074	65,820
4301	WUSI-TV	339,507	339,507	2,646
60552	WUTB	8,523,983	8,381,042	65,313
30577	WUTF-TV	7,918,927	7,709,189	60,078
57837	WUTR	526,114	481,957	3,756
415	WUTV	1,589,376	1,557,474	12,137
16517	WUVC-DT	3,768,817	3,748,841	29,215
48813	WUVG-DT	6,029,495	5,965,975	46,493
3072	WUVN	1,233,568	1,157,140	9,018
60560	WUVP-DT	10,421,216	10,246,856	79,854
9971	WUXP-TV	2,316,872	2,305,293	17,965
417	WVAH-TV	1,373,555	1,295,383	10,095
23947	WVAN-TV	1,026,862	1,025,950	7,995
65387	WVBT	1,885,169	1,885,169	14,691
72342	WVCY-TV	2,543,642	2,542,235	19,812
60559	WVEA-TV	4,553,004	4,552,113	35,475
74167	WVEC	2,098,679	2,092,868	16,310
5802	WVEN-TV	3,921,016	3,919,361	30,544
61573	WVEO	1,153,382	761,454	4,676
69946	WVER	888,756	758,441	5,911
10976	WVFX	731,193	609,763	4,752
47929	WVIA-TV	3,429,213	2,838,000	22,117
3667	WVIL-TV	368,022	346,874	2,703
70309	WVIR-TV	1,945,637	1,908,395	14,872
74170	WVIT	5,846,093	5,357,639	41,752
18753	WVIZ	3,695,223	3,689,173	28,750
70021	WVLA-TV	1,897,179	1,897,007	14,783
81750	WVLR	1,412,728	1,300,554	10,135
35908	WVLT-TV	1,888,607	1,633,633	12,731
74169	WVNS-TV	911,630	606,820	4,729
11259	WVNY	742,579	659,270	5,138
29000	WVOZ-TV	1,132,932	731,199	4,676
71657	WVPB-TV	780,268	752,747	5,866
60111	WVPT	767,268	642,173	5,004
70491	WVPX-TV	4,147,298	4,114,920	32,068
66378	WVPY	756,696	632,649	4,930
67190	WVSN	2,948,832	2,137,333	16,656
69943	WVTA	760,072	579,703	4,518
69940	WVTB	455,880	257,445	2,006
74173	WVTM-TV	2,009,346	1,940,153	15,120
74174	WVTV	3,091,132	3,083,108	24,027
77496	WVUA	2,209,921	2,160,101	16,834
4149	WVUE-DT	1,658,125	1,658,125	12,922
4329	WVUT	273,293	273,215	2,129
74176	WVVA	1,037,632	722,666	5,632
3113	WVXF	85,191	78,556	612

TABLE 7—FY 2021 FULL-SERVICE BROADCAST TELEVISION STATIONS BY CALL SIGN—Continued

Facility Id.	Call sign	Service area population	Terrain limited population	Terrain limited fee amount
12033	WWAY	1,208,625	1,208,625	9,419
30833	WWBT	1,924,502	1,892,842	14,751
20295	WWCP-TV	2,811,278	2,548,691	19,862
24812	WWCW	1,390,985	1,212,308	9,448
23671	WWDP	5,792,048	5,564,295	43,363
21158	WWHO	2,762,344	2,721,504	21,209
14682	WWJE-DT	7,209,571	7,084,349	55,208
72123	WWJ-TV	5,562,031	5,561,777	43,343
166512	WWJX	518,866	518,846	4,043
6868	WWLP	3,838,272	3,077,800	23,985
74192	WWL-TV	1,788,624	1,788,624	13,939
3133	WWMB	1,547,974	1,544,778	12,038
74195	WWMT	2,460,942	2,455,432	19,135
68851	WWNY-TV	375,600	346,623	2,701
74197	WWOR-TV	19,853,836	19,615,370	152,863
65943	WWPB	3,197,858	2,775,966	21,633
23264	WWPX-TV	2,299,441	2,231,612	17,391
68547	WWRS-TV	2,324,155	2,321,066	18,088
61251	WWSB	3,340,133	3,340,133	26,030
23142	WWSI	11,269,831	11,098,540	86,491
16747	WWTI	196,531	190,097	1,481
998	WWTO-TV	5,613,737	5,613,737	43,748
26994	WWTV	1,034,174	1,022,322	7,967
84214	WWTW	1,527,511	1,526,625	11,897
26993	WWUP-TV	116,638	110,592	862
23338	WXBU	4,030,693	3,538,096	27,572
61504	WXCW	1,749,847	1,749,847	13,637
61084	WXEL-TV	5,416,604	5,416,604	42,212
60539	WXFT-DT	10,174,464	10,170,757	79,261
23929	WXGA-TV	608,494	606,849	4,729
51163	WXIA-TV	6,179,680	6,035,828	47,037
53921	WXII-TV	3,630,551	3,299,114	25,710
146	WXIN	2,836,532	2,814,815	21,936
39738	WXIX-TV	2,911,054	2,900,875	22,607
414	WXLV-TV	4,362,761	4,333,737	33,773
68433	WXMI	1,988,970	1,988,589	15,497
64549	WXOW	425,378	413,264	3,221
6601	WXPX-TV	4,594,588	4,592,639	35,790
74215	WXTV-DT	19,992,096	19,643,518	153,082
12472	WXTX	699,095	694,837	5,415
11970	WXXA-TV	1,680,670	1,537,868	11,985
57274	WXXI-TV	1,184,860	1,168,696	9,108
53517	WXXV-TV	1,191,123	1,189,584	9,270
10267	WXYZ-TV	5,622,543	5,622,140	43,813
12279	WYCC	9,729,982	9,729,634	75,823
77515	WYCI	35,873	26,508	207
70149	WYCW	3,388,945	3,227,025	25,148
62219	WYDC	560,266	449,486	3,503
18783	WYDN	2,577,848	2,512,150	19,577
35582	WYDO	1,097,745	1,097,745	8,555
25090	WYES-TV	1,872,245	1,872,059	14,589
53905	WYFF	2,626,363	2,416,551	18,832
49803	WYIN	6,956,141	6,956,141	54,209
24915	WYMT-TV	1,180,276	863,881	6,732
17010	WYOU	2,879,196	2,226,883	17,354
77789	WYOW	91,233	90,799	708
13933	WYPX-TV	1,529,500	1,413,583	11,016
4693	WYTV	4,898,622	4,535,576	35,346
5875	WYZZ-TV	1,042,140	1,036,721	8,079
15507	WZBJ	1,606,844	1,439,716	11,220
28119	WZDX	1,596,771	1,514,654	11,804
70493	WZME	5,996,408	5,544,708	43,210
81448	WZMQ	73,423	72,945	568
71871	WZPX-TV	2,039,157	2,039,157	15,891
136750	WZRB	952,279	951,693	7,417
418	WZTV	2,312,658	2,301,187	17,933
83270	WZVI	76,992	75,863	591
19183	WZVN-TV	1,981,488	1,981,488	15,442
49713	WZZM	1,574,546	1,548,835	12,070

Notes:

- <sup>1</sup> Call signs WIPM and WIPR are stations in Puerto Rico that are linked together with a total fee of \$24,160.  
<sup>2</sup> Call signs WNJX and WAPA are stations in Puerto Rico that are linked together with a total fee of \$24,160.  
<sup>2</sup> Call signs WKAQ and WORA are stations in Puerto Rico that are linked together with a total fee of \$24,160.  
<sup>4</sup> Call signs WOLE and WLII are stations in Puerto Rico that are linked together with a total fee of \$24,160.  
<sup>5</sup> Call signs WVEO and WTCV are stations in Puerto Rico that are linked together with a total fee of \$24,160.  
<sup>6</sup> Call signs WJPX and WJWN are stations in Puerto Rico that are linked together with a total fee of \$24,160.  
<sup>7</sup> Call signs WAPA and WTIN are stations in Puerto Rico that are linked together with a total fee of \$24,160.  
<sup>8</sup> Call signs WSUR and WLII are stations in Puerto Rico that are linked together with a total fee of \$24,160.  
<sup>9</sup> Call signs WVOZ and WTCV are stations in Puerto Rico that are linked together with a total fee of \$24,160.  
<sup>10</sup> Call signs WJPX and WKPV are stations in Puerto Rico that are linked together with a total fee of \$24,160.  
<sup>11</sup> Call signs WMTJ and WQTO are stations in Puerto Rico that are linked together with a total fee of \$24,160.  
<sup>12</sup> Call signs WIRS and WJPX are stations in Puerto Rico that are linked together with a total fee of \$24,160.  
<sup>13</sup> Call signs WRFB and WORA are stations in Puerto Rico that are linked together with a total fee of \$24,160.

TABLE 8—FY 2020 SCHEDULE OF REGULATORY FEES

[Regulatory fees for the categories shaded in gray are collected by the Commission in advance to cover the term of the license and are submitted at the time the application is filed.]

Fee category	Annual regulatory fee (U.S. \$s)
PLMRS (per license) (Exclusive Use) (47 CFR part 90) .....	25
Microwave (per license) (47 CFR part 101) .....	25
Marine (Ship) (per station) (47 CFR part 80) .....	15
Marine (Coast) (per license) (47 CFR part 80) .....	40
Rural Radio (47 CFR part 22) (previously listed under the Land Mobile category) .....	10
PLMRS (Shared Use) (per license) (47 CFR part 90) .....	10
Aviation (Aircraft) (per station) (47 CFR part 87) .....	10
Aviation (Ground) (per license) (47 CFR part 87) .....	20
CMRS Mobile/Cellular Services (per unit) (47 CFR parts 20, 22, 24, 27, 80 and 90) .....	.17
CMRS Messaging Services (per unit) (47 CFR parts 20, 22, 24 and 90) .....	.08
Broadband Radio Service (formerly MMDS/MDS) (per license) (47 CFR part 27) .....	560
Local Multipoint Distribution Service (per call sign) (47 CFR, part 101) .....	560
AM Radio Construction Permits .....	610
FM Radio Construction Permits .....	1,075
AM and FM Broadcast Radio Station Fees .....	See Table Below
Digital TV (47 CFR part 73) VHF and UHF Commercial Fee Factor .....	* \$.007837
Digital TV Construction Permits .....	4,950
Low Power TV, Class A TV, TV/FM Translators & FM Boosters (47 CFR part 74) .....	315
CARS (47 CFR part 78) .....	1,300
Cable Television Systems (per subscriber) (47 CFR part 76), Including IPTV .....	.89
Direct Broadcast Service (DBS) (per subscriber) (as defined by section 602(13) of the Act) .....	.72
Interstate Telecommunication Service Providers (per revenue dollar) .....	.00321
Toll Free (per toll free subscriber) (47 CFR section 52.101 (f) of the rules) .....	.12
Earth Stations (47 CFR part 25) .....	560
Space Stations (per operational station in geostationary orbit) (47 CFR part 25) also includes DBS Service (per operational station) (47 CFR part 100) .....	98,125
Space Stations (per operational system in non-geostationary orbit) (47 CFR part 25) .....	223,500
International Bearer Circuits—Terrestrial/Satellites (per Gbps circuit) .....	\$41
Submarine Cable Landing Licenses Fee (per cable system) .....	See Table Below.

\* See Appendix G for fee amounts due, also available at <https://www.fcc.gov/licensing-databases/fees/regulatory-fees>.

FY 2020 RADIO STATION REGULATORY FEES

Population served	AM Class A	AM Class B	AM Class C	AM Class D	FM Classes A, B1 & C3	FM Classes B, C, C0, C1 & C2
<=25,000 .....	\$975	\$700	\$610	\$670	\$1,075	\$1,225
25,001–75,000 .....	1,475	1,050	915	1,000	1,625	1,850
75,001–150,000 .....	2,200	1,575	1,375	1,500	2,425	2,750
150,001–500,000 .....	3,300	2,375	2,050	2,275	3,625	4,150
500,001–1,200,000 .....	4,925	3,550	3,075	3,400	5,450	6,200
1,200,001–3,000,000 .....	7,400	5,325	4,625	5,100	8,175	9,300
3,000,001–6,000,000 .....	11,100	7,975	6,950	7,625	12,250	13,950
>6,000,000 .....	16,675	11,975	10,425	11,450	18,375	20,925

FY 2020 INTERNATIONAL BEARER CIRCUITS—SUBMARINE CABLE SYSTEMS

Submarine cable systems (capacity as of December 31, 2019)	Fee ratio (units)	FY 2020 regulatory fees
Less than 50 Gbps .....	.0625	\$13,450
50 Gbps or greater, but less than 250 Gbps .....	.125	26,875

## FY 2020 INTERNATIONAL BEARER CIRCUITS—SUBMARINE CABLE SYSTEMS—Continued

Submarine cable systems (capacity as of December 31, 2019)	Fee ratio (units)	FY 2020 regulatory fees
250 Gbps or greater, but less than 1,500 Gbps .....	.25	53,750
1,500 Gbps or greater, but less than 3,500 Gbps .....	.5	107,500
3,500 Gbps or greater, but less than 6,500 Gbps .....	1.0	215,000
6,500 Gbps or greater .....	2.0	430,000

**IV. Final Regulatory Flexibility Analysis**

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was included in the *Notice of Proposed Rulemaking (NPRM)* for fiscal year 2021. The Commission sought written public comment on these proposals including comment on the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the IRFA.

**A. Need for, and Objectives of, the Report and Order**

2. In the Report and Order, the Commission adopts a regulatory fee schedule to collect \$374,000,000 in congressionally required regulatory fees for fiscal year (FY) 2021. Under section 9 of the Communications Act of 1934, as amended, (Communications Act or Act), regulatory fees are mandated by Congress and collected to recover the regulatory costs associated with the Commission's enforcement, policy and rulemaking, user information, and international activities in an amount that can be reasonably expected to equal the amount of the Commission's annual appropriation. The objective in the Report for adopting the regulatory fee schedule is to comply with the Congressional mandate to recover the total amount of the Commission's annual appropriation, from the various industries for which the Commission provides oversight or regulation, based on the number of full time employees (FTEs) involved in such oversight and regulation in the licensing bureaus.

**B. Summary of the Significant Issues Raised by the Public Comments in Response to the IRFA**

3. None.

**C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration**

4. No comments were filed by the Chief Counsel for Advocacy of the Small Business Administration.

**D. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply**

5. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules and policies, if adopted. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A "small business concern" is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

6. *Small Businesses, Small Organizations, Small Governmental Jurisdictions. Small Businesses, Small Organizations, Small Governmental Jurisdictions.* Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe here, at the outset, three broad groups of small entities that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the Small Business Administration's (SBA) Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 30.7 million businesses.

7. Next, the type of small entity described as a "small organization" is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field." The Internal Revenue Service (IRS) uses a revenue benchmark of \$50,000 or less to delineate its annual electronic filing requirements for small exempt organizations. Nationwide, for tax year 2018, there were approximately 571,709 small exempt organizations in the U.S. reporting revenues of \$50,000

or less according to the registration and tax data for exempt organizations available from the IRS.

8. Finally, the small entity described as a "small governmental jurisdiction" is defined generally as "governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand." U.S. Census Bureau data from the 2017 Census of Governments indicate that there were 90,075 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Of this number there were 36,931 general purpose governments (county, municipal and town or township) with populations of less than 50,000 and 12,040 special purpose governments— independent school districts with enrollment populations of less than 511 governmental jurisdictions."

9. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as "establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including Voice over internet Protocol (VoIP) services, wired (cable and IPTV) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry." The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer

than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small.

10. *Local Exchange Carriers (LECs)*. Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. The closest applicable NAICS Code category is Wired Telecommunications Carriers. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated for the entire year. Of that total, 3,083 operated with fewer than 1,000 employees. Thus under this category and the associated size standard, the Commission estimates that the majority of local exchange carriers are small entities.

11. *Incumbent LECs*. Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. The closest applicable NAICS Code category is Wired Telecommunications Carriers. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 indicate that 3,117 firms operated the entire year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, the Commission estimates that most providers of incumbent local exchange service are small businesses that may be affected by our actions. According to Commission data, one thousand three hundred and seven (1,307) Incumbent Local Exchange Carriers reported that they were incumbent local exchange service providers. Of this total, an estimated 1,006 have 1,500 or fewer employees. Thus, using the SBA's size standard the majority of incumbent LECs can be considered small entities.

12. *Competitive Local Exchange Carriers (Competitive LECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers*. Neither the Commission nor the SBA has developed a small business size standard specifically for these service providers. The appropriate NAICS Code category is Wired Telecommunications Carriers and under that size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 indicate that 3,117 firms operated during that year. Of that number, 3,083 operated with fewer than 1,000 employees. Based on these data, the Commission concludes that the majority of Competitive LECs, CAPs, Shared-Tenant Service Providers, and Other Local Service Providers, are small

entities. According to Commission data, 1,442 carriers reported that they were engaged in the provision of either competitive local exchange services or competitive access provider services. Of these 1,442 carriers, an estimated 1,256 have 1,500 or fewer employees. In addition, 17 carriers have reported that they are Shared-Tenant Service Providers, and all 17 are estimated to have 1,500 or fewer employees. Also, 72 carriers have reported that they are Other Local Service Providers. Of this total, 70 have 1,500 or fewer employees. Consequently, based on internally researched FCC data, the Commission estimates that most providers of competitive local exchange service, competitive access providers, Shared-Tenant Service Providers, and Other Local Service Providers are small entities.

13. *Interexchange Carriers (IXCs)*. Neither the Commission nor the SBA has developed a small business size standard specifically for Interexchange Carriers. The closest applicable NAICS Code category is Wired Telecommunications Carriers. The applicable size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 indicate that 3,117 firms operated for the entire year. Of that number, 3,083 operated with fewer than 1,000 employees. According to internally developed Commission data, 359 companies reported that their primary telecommunications service activity was the provision of interexchange services. Of this total, an estimated 317 have 1,500 or fewer employees. Consequently, the Commission estimates that the majority of interexchange service providers are small entities.

14. *Prepaid Calling Card Providers*. Neither the Commission nor the SBA has developed a small business size standard specifically for prepaid calling card providers. The appropriate NAICS code category for prepaid calling card providers is Telecommunications Resellers. This industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. The SBA has developed a small business size standard for the

category of Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 show that 1,341 firms provided resale services during that year. Of that number, 1,341 operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these resellers can be considered small entities. According to Commission data, 193 carriers have reported that they are engaged in the provision of prepaid calling cards. All 193 carriers have 1,500 or fewer employees. Consequently, the Commission estimates that the majority of prepaid calling card providers are small.

15. *Local Resellers*. The SBA has not developed a small business size standard specifically for Local Resellers. The SBA category of Telecommunications Resellers is the closest NAICS code category for local resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. Under the SBA's size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data from 2012 show that 1,341 firms provided resale services during that year. Of that number, all operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these resellers can be considered small entities. According to Commission data, 213 carriers have reported that they are engaged in the provision of local resale services. Of these, an estimated 211 have 1,500 or fewer employees and two have more than 1,500 employees. Consequently, the Commission estimates that the majority of local resellers are small entities.

16. *Toll Resellers*. The Commission has not developed a definition for Toll Resellers. The closest NAICS Code Category is Telecommunications Resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of

telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. MVNOs are included in this industry. The SBA has developed a small business size standard for the category of Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees. 2012 Census Bureau data show that 1,341 firms provided resale services during that year. Of that number, 1,341 operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these resellers can be considered small entities. According to Commission data, 881 carriers have reported that they are engaged in the provision of toll resale services. Of this total, an estimated 857 have 1,500 or fewer employees. Consequently, the Commission estimates that the majority of toll resellers are small entities.

17. *Other Toll Carriers.* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. The closest applicable NAICS code category is for Wired Telecommunications Carriers, as defined in paragraph 6 of this IRFA. Under that size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small. According to Commission data, 284 companies reported that their primary telecommunications service activity was the provision of other toll carriage. Of these, an estimated 279 have 1,500 or fewer employees. Consequently, the Commission estimates that most Other Toll Carriers are small entities.

18. *Wireless Telecommunications Carriers (except Satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless

internet access, and wireless video services. The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census Bureau data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1,000 employees or more. Thus under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities.

19. *Television Broadcasting.* This Economic Census category “comprises establishments primarily engaged in broadcasting images together with sound.” These establishments operate television broadcast studios and facilities for the programming and transmission of programs to the public. These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA has created the following small business size standard for such businesses: Those having \$41.5 million or less in annual receipts. The 2012 Economic Census reports that 751 firms in this category operated in that year. Of that number, 656 had annual receipts of \$25,000,000 or less. Based on this data we therefore estimate that the majority of commercial television broadcasters are small entities under the applicable SBA size standard.

20. The Commission has estimated the number of licensed commercial television stations to be 1,377. Of this total, 1,258 stations (or about 91 percent) had revenues of \$41.5 million or less, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on November 16, 2017, and therefore these licensees qualify as small entities under the SBA definition. In addition, the Commission has estimated the number of licensed noncommercial educational television stations to be 384. Notwithstanding, the Commission does not compile and otherwise does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities. There are also 2,300 low power television stations, including Class A stations (LPTV) and 3,681 TV translator stations. Given the nature of these services, we will presume that all of these entities qualify as small entities

under the above SBA small business size standard.

21. In assessing whether a business concern qualifies as “small” under the above definition, business (control) affiliations must be included. Our estimate, therefore, likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, another element of the definition of “small business” requires that an entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television broadcast station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply does not exclude any television station from the definition of a small business on this basis and is therefore possibly over-inclusive. Also, as noted above, an additional element of the definition of “small business” is that the entity must be independently owned and operated. The Commission notes that it is difficult at times to assess these criteria in the context of media entities and its estimates of small businesses to which they apply may be over-inclusive to this extent.

22. *Radio Stations.* This Economic Census category “comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio, from an affiliated network, or from external sources.” The SBA has established a small business size standard for this category as firms having \$41.5 million or less in annual receipts. Economic Census data for 2012 show that 2,849 radio station firms operated during that year. Of that number, 2,806 firms operated with annual receipts of less than \$25 million per year, 17 with annual receipts between \$25 million and \$49,999,999 million and 26 with annual receipts of \$50 million or more. Therefore, based on the SBA’s size standard the majority of such entities are small entities.

23. According to Commission staff review of the BIA/Kelsey, LLC’s Media Access Pro Radio Database as of January 2018, about 11,261 (or about 99.9 percent) of 11,383 commercial radio stations had revenues of \$41.5 million or less and thus qualify as small entities under the SBA definition. The Commission has estimated the number of licensed commercial AM radio stations to be 4,633 stations and the number of commercial FM radio stations to be 6,738, for a total number of 11,371. We note the Commission has



also estimated the number of licensed noncommercial (NCE) FM radio stations to be 4,128. Nevertheless, the Commission does not compile and otherwise does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities. We also note, that in assessing whether a business entity qualifies as small under the above definition, business control affiliations must be included. The Commission's estimate therefore likely overstates the number of small entities that might be affected by its action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, to be determined a "small business," an entity may not be dominant in its field of operation. We further note, that it is difficult at times to assess these criteria in the context of media entities, and the estimate of small businesses to which these rules may apply does not exclude any radio station from the definition of a small business on these basis, thus our estimate of small businesses may therefore be over-inclusive. Also, as noted above, an additional element of the definition of "small business" is that the entity must be independently owned and operated. The Commission notes that it is difficult at times to assess these criteria in the context of media entities and the estimates of small businesses to which they apply may be over-inclusive to this extent.

24. *Cable Companies and Systems (Rate Regulation)*. The Commission has also developed its own small business size standards, for the purpose of cable rate regulation. Under the Commission's rules, a "small cable company" is one serving 400,000 or fewer subscribers nationwide. Industry data indicate that there are 4,600 active cable systems in the United States. Of this total, all but five cable operators nationwide are small under the 400,000-subscriber size standard. In addition, under the Commission's rate regulation rules, a "small system" is a cable system serving 15,000 or fewer subscribers. Commission records show 4,600 cable systems nationwide. Of this total, 3,900 cable systems have fewer than 15,000 subscribers, and 700 systems have 15,000 or more subscribers, based on the same records. Thus, under this standard as well, we estimate that most cable systems are small entities.

25. *Cable System Operators (Telecom Act Standard)*. The Communications Act of 1934, as amended, also contains a size standard for small cable system operators, which is "a cable operator

that, directly or through an affiliate, serves in the aggregate fewer than one percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed \$250,000,000." As of 2019, there were approximately 48,646,056 basic cable video subscribers in the United States. Accordingly, an operator serving fewer than 486,460 subscribers shall be deemed a small operator if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed \$250 million in the aggregate. Based on available data, we find that all but five cable operators are small entities under this size standard. We note that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed \$250 million. Therefore, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

26. *Direct Broadcast Satellite (DBS) Service*. DBS service is a nationally distributed subscription service that delivers video and audio programming via satellite to a small parabolic "dish" antenna at the subscriber's location. DBS is included in SBA's economic census category "Wired Telecommunications Carriers." The Wired Telecommunications Carriers industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution; and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry. The SBA determines that a wireline business is small if it has fewer than 1,500 employees. U.S. Census Bureau data for 2012 indicates that 3,117 wireline companies were operational during that year. Of that number, 3,083 operated with fewer than 1,000

employees. Based on that data, we conclude that the majority of wireline firms are small under the applicable SBA standard. Currently, however, only two entities provide DBS service, which requires a great deal of capital for operation: DIRECTV (owned by AT&T) and DISH Network. DIRECTV and DISH Network each report annual revenues that are in excess of the threshold for a small business. Accordingly, we must conclude that internally developed FCC data are persuasive that, in general, DBS service is provided only by large firms.

27. *All Other Telecommunications*. The "All Other Telecommunications" category is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing internet services or voice over internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry. The SBA has developed a small business size standard for All Other Telecommunications, which consists of all such firms with annual receipts of \$35 million or less. For this category, U.S. Census Bureau data for 2012 shows that there were 1,442 firms that operated for the entire year. Of those firms, a total of 1,400 had annual receipts less than \$25 million and 15 firms had annual receipts of \$25 million to \$49,999,999. Thus, the Commission estimates that the majority of "All Other Telecommunications" firms potentially affected by our action can be considered small.

28. *RespOrgs*. Responsible Organizations, or RespOrgs, are entities chosen by toll free subscribers to manage and administer the appropriate records in the toll free Service Management System for the toll free subscriber. Although RespOrgs are often wireline carriers, they can also include non-carrier entities. Therefore, in the definition herein of RespOrgs, two categories are presented, *i.e.*, Carrier RespOrgs and Non-Carrier RespOrgs.

29. *Carrier RespOrgs*. Neither the Commission, the U.S. Census, nor the SBA have developed a definition for Carrier RespOrgs. Accordingly, the Commission believes that the closest NAICS code-based definitional categories for Carrier RespOrgs are

Wired Telecommunications Carriers, and Wireless Telecommunications Carriers (except satellite).

30. The U.S. Census Bureau defines *Wired Telecommunications Carriers* as “establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies.

Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.” The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Based on that data, we conclude that the majority of Carrier RespOrgs that operated with wireline-based technology are small.

31. The U.S. Census Bureau defines *Wireless Telecommunications Carriers (except satellite)* as establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves, such as cellular services, paging services, wireless internet access, and wireless video services. The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that 967 Wireless Telecommunications Carriers operated in that year. Of that number, 955 operated with less than 1,000 employees. Based on that data, we conclude that the majority of Carrier RespOrgs that operated with wireless-based technology are small.

32. *Non-Carrier RespOrgs*. Neither the Commission, the U.S. Census, nor the SBA have developed a definition of Non-Carrier RespOrgs. Accordingly, the Commission believes that the closest NAICS code-based definitional categories for Non-Carrier RespOrgs are “Other Services Related to Advertising” and “Other Management Consulting Services.”

33. The U.S. Census defines *Other Services Related to Advertising* as comprising establishments primarily engaged in providing advertising services (except advertising agency services, public relations agency services, media buying agency services, media representative services, display advertising services, direct mail advertising services, advertising material distribution services, and marketing consulting services). The SBA has established a size standard for this industry as annual receipts of \$16.5 million dollars or less. Census data for 2012 show that 5,804 firms operated in this industry for the entire year. Of that number, 5,612 operated with annual receipts of less than \$10 million. Based on that data we conclude that the majority of Non-Carrier RespOrgs who provide toll-free number (TFN)-related advertising services are small.

34. The U.S. Census defines *Other Management Consulting Services* as establishments primarily engaged in providing management consulting services (except administrative and general management consulting; human resources consulting; marketing consulting; or process, physical distribution, and logistics consulting). Establishments providing telecommunications or utilities management consulting services are included in this industry. The SBA has established a size standard for this industry of \$16.5 million dollars or less. Census data for 2012 show that 3,683 firms operated in this industry for that entire year. Of that number, 3,632 operated with less than \$10 million in annual receipts. Based on this data, we conclude that a majority of non-carrier RespOrgs who provide TFN-related management consulting services are small.

35. In addition to the data contained in the four (see above) U.S. Census NAICS code categories that provide definitions of what services and functions the Carrier and Non-Carrier RespOrgs provide, Somos, the trade association that monitors RespOrg activities, compiled data showing that as of July 1, 2016 there were 23 RespOrgs operational in Canada and 436 RespOrgs operational in the United States, for a total of 459 RespOrgs currently registered with Somos.

#### *E. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements*

36. This Report and Order does not adopt any new reporting, recordkeeping, or other compliance requirements.

#### *F. Steps Taken To Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered*

37. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its approach, which may include the following four alternatives, among others: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

38. The methodology adopted by the Commission for using the population-based calculations for TV broadcasters was initially adopted because it is a fairer methodology for the smaller broadcasters. The Commission is using this methodology for this year, too. The changes for Puerto Rican broadcasters were adopted by the Commission in order to give relief for these broadcasters, some of which may be small entities, and the Commission is also using this methodology this year. Finally, the waiver process that we adopted previously and are continuing in 2021 was adopted to provide relief to entities that have suffered financial hardship in the COVID-19 pandemic, which includes small entities.

39. In addition, under the Commission’s de minimis rule, under section 9(e)(2) of the Act, a regulatee is exempt from paying regulatory fees if the sum total of all of its annual regulatory fee liabilities is \$1,000 or less for the fiscal year. The de minimis threshold applies only to filers of annual regulatory fees.

#### **V. Ordering Clauses**

40. Accordingly, *it is ordered* that, pursuant to the authority found in sections 4(i) and (j), 9, 9A, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 159, 159A, and 303(r), this Report and Order *is hereby adopted*.

41. *It is further ordered* that the FY 2021 section 9 regulatory fees assessment requirements and the rules set forth in this Report and Order *are adopted* as specified herein.

42. *It is further ordered* that this Report and Order *shall be effective* upon publication in the **Federal Register**.

43. *It is further ordered* that the Commission’s Consumer and Governmental Affairs Bureau, Reference

Information Center, *shall send* a copy of this Report and Order, including the Final Regulatory Flexibility Analysis in this document, to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

#### List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Broadband, Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary.*

#### Final Rules

For the reasons discussed in the preamble, the Federal Communications

Commission 47 CFR part 1 is amended as follows:

Part 1 of Title 47 of the Code of Federal Regulations is amended to read as follows:

#### PART 1—PRACTICE AND PROCEDURE

■ 1. The authority citation for part 1 continues to read as follows:

**Authority:** 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note, unless otherwise noted.

■ 2. Section 1.1151 of the Commission's rules is revised to read as follows:

#### § 1.1151 Authority to prescribe and collect regulatory fees.

Authority to impose and collect regulatory fees is contained in section 9 of the Communications Act, as amended by sections 101–103 of title I of the Consolidated Appropriations Act of 2018 (Pub. L. 115–141, 132 Stat. 1084), 47 U.S.C. 159, which directs the Commission to prescribe and collect annual regulatory fees to recover the cost of carrying out the functions of the Commission.

■ 3. Section 1.1152 is revised to read as follows:

#### § 1.1152 Schedule of annual regulatory fees for wireless radio services.

TABLE 1 TO § 1.1152

Exclusive use services (per license)	Fee amount
1. Land Mobile (Above 470 MHz and 220 MHz Local, Base Station & SMRS) (47 CFR part 90):	
(a) New, Renew/Mod (FCC 601 & 159) .....	\$25.00
(b) New, Renew/Mod (Electronic Filing) (FCC 601 & 159) .....	25.00
(c) Renewal Only (FCC 601 & 159) .....	25.00
(d) Renewal Only (Electronic Filing) (FCC 601 & 159) .....	25.00
220 MHz Nationwide:	
(a) New, Renew/Mod (FCC 601 & 159) .....	25.00
(b) New, Renew/Mod (Electronic Filing) (FCC 601 & 159) .....	25.00
(c) Renewal Only (FCC 601 & 159) .....	25.00
(d) Renewal Only (Electronic Filing) (FCC 601 & 159) .....	25.00
2. Microwave (47 CFR part 101) (Private):	
(a) New, Renew/Mod (FCC 601 & 159) .....	25.00
(b) New, Renew/Mod (Electronic Filing) (FCC 601 & 159) .....	25.00
(c) Renewal Only (FCC 601 & 159) .....	25.00
(d) Renewal Only (Electronic Filing) (FCC 601 & 159) .....	25.00
3. Shared Use Services:	
Land Mobile (Frequencies Below 470 MHz—except 220 MHz):	
(a) New, Renew/Mod (FCC 601 & 159) .....	10.00
(b) New, Renew/Mod (Electronic Filing) (FCC 601 & 159) .....	10.00
(c) Renewal Only (FCC 601 & 159) .....	10.00
(d) Renewal Only (Electronic Filing) (FCC 601 & 159) .....	10.00
Rural Radio (47 CFR part 22):	
(a) New, Additional Facility, Major Renew/Mod (Electronic Filing) (FCC 601 & 159) .....	10.00
(b) Renewal, Minor Renew/Mod (Electronic Filing) .....	10.00
Marine Coast:	
(a) New Renewal/Mod (FCC 601 & 159) .....	40.00
(b) New, Renewal/Mod (Electronic Filing) (FCC 601 & 159) .....	40.00
(c) Renewal Only (FCC 601 & 159) .....	40.00
(d) Renewal Only (Electronic Filing) (FCC 601 & 159) .....	40.00
Aviation Ground:	
(a) New, Renewal/Mod (FCC 601 & 159) .....	20.00
(b) New, Renewal/Mod (Electronic Filing) (FCC 601 & 159) .....	20.00
(c) Renewal Only (FCC 601 & 159) .....	20.00
(d) Renewal Only (Electronic Only) (FCC 601 & 159) .....	20.00
Marine Ship:	
(a) New, Renewal/Mod (FCC 605 & 159) .....	15.00
(b) New, Renewal/Mod (Electronic Filing) (FCC 605 & 159) .....	15.00
(c) Renewal Only (FCC 605 & 159) .....	15.00
(d) Renewal Only (Electronic Filing) (FCC 605 & 159) .....	15.00
Aviation Aircraft:	
(a) New, Renew/Mod (FCC 605 & 159) .....	10.00
(b) New, Renew/Mod (Electronic Filing) (FCC 605 & 159) .....	10.00
(c) Renewal Only (FCC 605 & 159) .....	10.00
(d) Renewal Only (Electronic Filing) (FCC 605 & 159) .....	10.00
4. CMRS Cellular/Mobile Services (per unit) (FCC 159) .....	1.15
5. CMRS Messaging Services (per unit) (FCC 159) .....	2.08
6. Broadband Radio Service (formerly MMDS and MDS) .....	605
7. Local Multipoint Distribution Service .....	605

<sup>1</sup> These are standard fees that are to be paid in accordance with § 1.1157(b) of this chapter.

<sup>2</sup>These are standard fees that are to be paid in accordance with § 1.1157(b) of this chapter.

■ 4. Section 1.1153 is revised to read as follows:

**§ 1.1153 Schedule of annual regulatory fees and filing locations for mass media services.**

TABLE 1 TO § 1.1153

	Radio [AM and FM] (47 CFR part 73)	Fee amount
1. AM Class A:		
≤25,000 population .....		\$975
25,001–75,000 population .....		1,465
75,001–150,000 population .....		2,195
150,001–500,000 population .....		3,295
500,001–1,200,000 population .....		4,935
1,200,001–3,000,000 population .....		7,410
3,000,001–6,000,000 population .....		11,105
>6,000,000 population .....		16,665
2. AM Class B:		
≤25,000 population .....		700
25,001–75,000 population .....		1,050
75,001–150,000 population .....		1,575
150,001–500,000 population .....		2,365
500,001–1,200,000 population .....		3,540
1,200,001–3,000,000 population .....		5,320
3,000,001–6,000,000 population .....		7,975
>6,000,000 population .....		11,965
3. AM Class C:		
≤25,000 population .....		610
25,001–75,000 population .....		915
75,001–150,000 population .....		1,375
150,001–500,000 population .....		2,060
500,001–1,200,000 population .....		3,085
1,200,001–3,000,000 population .....		4,635
3,000,001–6,000,000 population .....		6,950
>6,000,000 population .....		10,425
4. AM Class D:		
≤25,000 population .....		670
25,001–75,000 population .....		1,000
75,001–150,000 population .....		1,510
150,001–500,000 population .....		2,265
500,001–1,200,000 population .....		3,390
1,200,001–3,000,000 population .....		5,090
3,000,001–6,000,000 population .....		7,630
>6,000,000 population .....		11,450
5. AM Construction Permit .....		610
6. FM Classes A, B1 and C3:		
≤25,000 population .....		1,070
25,001–75,000 population .....		1,605
75,001–150,000 population .....		2,410
150,001–500,000 population .....		3,615
500,001–1,200,000 population .....		5,415
1,200,001–3,000,000 population .....		8,130
3,000,001–6,000,000 population .....		12,185
>6,000,000 population .....		18,285
7. FM Classes B, C, C0, C1 and C2:		
≤25,000 population .....		1,220
25,001–75,000 population .....		1,830
75,001–150,000 population .....		2,745
150,001–500,000 population .....		4,125
500,001–1,200,000 population .....		6,175
1,200,001–3,000,000 population .....		9,270
3,000,001–6,000,000 population .....		13,895
>6,000,000 population .....		20,850
8. FM Construction Permits .....		1,070
TV (47 CFR part 73)		
Digital TV (UHF and VHF Commercial Stations):		
1. Digital TV Construction Permits .....		5,100
2. Television Fee Factor .....		*.007793
Low Power TV, Class A TV, FM Translator, & TV/FM Booster (47 CFR part 74) .....		320

\* Per population count.

■ 5. Section 1.1154 is revised to read as follows:

**§ 1.1154 Schedule of annual regulatory charges for common carrier services.**

TABLE 1 TO § 1.1154

Radio facilities	Fee amount
1. Microwave (Domestic Public Fixed) (Electronic Filing) (FCC Form 601 & 159) .....	\$25.00
Carriers:	
1. Interstate Telephone Service Providers (per interstate and international end-user revenues (see FCC Form 499-A) .....	.00400
2. Toll Free Number Fee .....	*.12

\* Per Toll Free Number.

■ 6. Section 1.1155 is revised to read as follows:

**§ 1.1155 Schedule of regulatory fees for cable television services.**

TABLE 1 TO § 1.1155

	Fee amount
1. Cable Television Relay Service .....	\$1,555
2. Cable TV System, Including IPTV (per subscriber), and DBS (per subscriber) .....	.98

■ 7. Section 1.1156 is revised to read as follows:

**§ 1.1156 Schedule of regulatory fees for international services.**

(a) *Geostationary orbit (GSO) and non-geostationary orbit (NGSO) space*

*stations.* The following schedule applies for the listed services:

TABLE 1 TO PARAGRAPH (a)

Fee category	Fee amount
Space Stations (Geostationary Orbit) .....	\$116,855
Space Stations (Non-Geostationary Orbit)—Other .....	343,555
Space Stations (Non-Geostationary Orbit)—Less Complex .....	122,695
Earth Stations: Transmit/Receive & Transmit only (per authorization or registration) .....	595

(b) *International terrestrial and satellite Bearer Circuits.* (1) Regulatory fees for International Bearer Circuits are to be paid by facilities-based common carriers that have active (used or leased) international bearer circuits as of December 31 of the prior year in any terrestrial or satellite transmission facility for the provision of service to an end user or resale carrier, which

includes active circuits to themselves or to their affiliates. In addition, non-common carrier terrestrial and satellite operators must pay a fee for each active circuit sold or leased to any customer, including themselves or their affiliates, other than an international common carrier authorized by the Commission to provide U.S. international common carrier services. "Active circuits" for

purposes of this paragraph (b) include backup and redundant circuits. In addition, whether circuits are used specifically for voice or data is not relevant in determining that they are active circuits.

(2) The fee amount, per active Gbps circuit will be determined for each fiscal year.

TABLE 2 TO PARAGRAPH (b)(2)

International terrestrial and satellite (capacity as of December 31, 2020)	Fee amount
Terrestrial Common Carrier and Non-Common Carrier; Satellite Common Carrier and Non-Common Carrier .....	\$43 *

\* Per Gbps circuit.

(c) *Submarine cable.* Regulatory fees for submarine cable systems will be

paid annually, per cable landing license, for all submarine cable systems

operating based on their lit capacity as of December 31 of the prior year. The fee amount will be determined by the Commission for each fiscal year.

TABLE 3 TO PARAGRAPH (c)—FY 2021 INTERNATIONAL BEARER CIRCUITS—SUBMARINE CABLE SYSTEMS

Submarine cable systems (lit capacity as of December 31, 2020)	Fee ratio (units)	FY 2020 regulatory fees
Less than 50 Gbps .....	.0625	\$9,495
50 Gbps or greater, but less than 250 Gbps .....	.125	18,990
250 Gbps or greater, but less than 1,500 Gbps .....	.25	37,980
1,500 Gbps or greater, but less than 3,500 Gbps .....	.5	75,955
3,500 Gbps or greater, but less than 6,500 Gbps .....	1.0	151,910
6,500 Gbps or greater .....	2.0	303,820

[FR Doc. 2021–20078 Filed 9–21–21; 8:45 am]

BILLING CODE 6712–01–P



# FEDERAL REGISTER

---

Vol. 86

Wednesday,

No. 181

September 22, 2021

---

Part III

Department of Homeland Security

---

Coast Guard

33 CFR Part 187

Uniform Certificate of Title Act for Vessels; Proposed Rule

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 187

[Docket No. USCG–2018–0160]

RIN 1625–AC28

#### Uniform Certificate of Title Act for Vessels

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes changes to its regulations for certifying a State's titling system for undocumented vessels to increase States' participation in the Vessel Identification System (VIS). The proposed changes would allow States that have adopted the recommendations of the model Uniform Certificate of Title Act for Vessels to certify their titling provisions with the Coast Guard. Once certified and participating in the VIS, a State is able to confer preferred mortgage status on financial instruments that apply to undocumented vessels, which benefits the owners of those vessels. While many of the proposed changes to the certification guidelines relate to the technical requirements of recording and maintaining titling documentation, the most significant change would be to implement a system of "branding" (permanently marking) titles for vessels that have sustained structural damage. This would help prevent a process known as "title washing," where severe vessel damage is concealed by transferring the title to a different State.

**DATES:** Comments and related material must be received by the Coast Guard on or before November 22, 2021. Comments sent to the Office of Management and Budget (OMB) on collection of information must reach OMB on or before November 22, 2021.

**ADDRESSES:** You may submit comments identified by docket number USCG–2018–0160 using the Federal eRulemaking Portal at <https://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**Collection of information.** Submit comments on the collection of information discussed in section VI.D of this preamble both to the Coast Guard's online docket and to the Office of Information and Regulatory Affairs (OIRA) in the White House Office of

Management and Budget (OMB) using their website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Comments sent to OIRA on collection of information must reach OMB on or before the comment due date listed on their website.

**FOR FURTHER INFORMATION CONTACT:** For information about this document call or email W. Vann Burgess, Boating Safety Division, Program Management and Operations Branch (CG–BSX–21), Coast Guard; telephone 202–372–1071, email [william.v.burgess@uscg.mil](mailto:william.v.burgess@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents for Preamble

- I. Public Participation and Request for Comments
- II. Abbreviations
- III. Basis and Purpose
- IV. Background
  - A. Current 33 CFR part 187, subpart D
  - B. UCOTA–V
- V. Discussion of Proposed Rule
- VI. Regulatory Analyses
  - A. Regulatory Planning and Review
  - B. Small Entities
  - C. Assistance for Small Entities
  - D. Collection of Information
  - E. Federalism
  - F. Unfunded Mandates Reform Act
  - G. Taking of Private Property
  - H. Civil Justice Reform
  - I. Protection of Children
  - J. Tribal Governments
  - K. Energy Effects
  - L. Technical Standards
  - M. Environment

#### I. Public Participation and Request for Comments

The Coast Guard views public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If you cannot submit your material by using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions. Documents mentioned in this proposed rule, and all public comments, will be available in our online docket at <https://www.regulations.gov>, and can be viewed by following that website's instructions. Additionally, if you visit the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

We accept anonymous comments. All comments received will be posted without change to <https://www.regulations.gov> and will include any personal information you have provided. For more about privacy and submissions in response to this document, see the Department of Homeland Security's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

We do not plan to hold a public meeting, but will consider doing so if public comments indicate a meeting would be helpful. We would issue a separate **Federal Register** notice to announce the date, time, and location of such a meeting.

#### II. Abbreviations

BLA Boating Law Administrator  
 BSX U.S. Coast Guard's Office of Auxiliary and Boating Safety  
 CFR Code of Federal Regulations  
 DHS Department of Homeland Security  
 DOT Department of Transportation  
 FR Federal Register  
 MOA Memorandum of Agreements  
 NCCUSL National Conference of Commissioners on Uniform State Laws  
 NBSAC National Boating Safety Advisory Council  
 NASBLA National Association of State Boating Law Administrators  
 NPRM Notice of proposed rulemaking  
 OMB Office of Management and Budget  
 PRA Paperwork Reduction Act of 1995  
 RA Regulatory Analysis  
 RFA Regulatory Flexibility Act of 1980  
 § Section  
 UCC Uniform Commercial Code  
 UCOTA–V Uniform Certificate of Title Act for Vessels  
 U.S.C. United States Code  
 VIS Vessel Identification System

#### III. Basis and Purpose

The purpose of this rulemaking is to revise Coast Guard guidelines for State vessel titling systems so that they align with the Uniform Certificate of Title Act for Vessels (UCOTA–V). As discussed in more detail below, we expect that aligning Coast Guard guidelines with UCOTA–V would increase States' participation in the Vessel Identification System (VIS), thereby benefitting the owners of undocumented vessels by providing them access to preferred mortgages.

The legal basis for this rulemaking is Title 46 of the United States Code (U.S.C.), sections 2103, 12501(a), and 31322(d). Section 2103 authorizes the Secretary of the department in which the Coast Guard is operating to issue regulations to carry out the provisions of Subtitle II, Vessels and Seamen, of Title 46 of the U.S.C., in which Section 12501(a) appears. Section 12501(a) requires the Secretary to establish a VIS



relating to, among other things, the ownership of vessels titled under the law of a State. Finally, section 31322(d) allows a mortgage that is filed, or “perfected” under State law, to be deemed “a preferred mortgage” if the Secretary certifies that the State titling system complies with the guidelines set forth in 46 U.S.C. 13107. The Secretary’s authority under these statutes has been delegated to the Coast Guard in Department of Homeland Security (DHS) Delegation No. 0170.1(II) (92.a) and (92.h). Pursuant to that authority, the Coast Guard has promulgated regulations governing the certification of State laws to determine eligibility for preferred mortgages.

#### IV. Background

##### A. Current 33 CFR Part 187, Subpart D

A mixture of both Federal and State laws govern the titling of vessels in the United States.<sup>1</sup> “Documented” vessels are typically larger commercial vessels documented with the Coast Guard National Vessel Documentation Center. Over 99 percent of vessels in the United States are not required to be documented and are considered “undocumented,” which the Coast Guard is not required to document. The registration and titling of these vessels falls under State law. State law governing the titling of vessels varies considerably from State to State, and many States do not have a certificate of title law for vessels.

While the Federal Government does not title undocumented vessels, it does have an interest in certain aspects of policy that would ordinarily be covered by State titling requirements. Specifically, the Coast Guard has an interest in information about vessels and their owners for both law enforcement and maritime domain awareness purposes. For these reasons, pursuant to statute, the Coast Guard created the VIS, which is a centralized database of information relating to these subjects.<sup>2</sup> However, the VIS relies on information generated by States through their titling and other recordation processes for information about undocumented vessels. Currently, only 38 States participate in the information exchange aspects of the VIS. Because participation in the VIS is voluntary and entirely at the States’ discretion, Congress created an incentive for States

to provide the requisite information, in the form of eligibility for preferred mortgages.

Under maritime law, a preferred mortgage is a mortgage that is filed—or perfected—in compliance with certain statutory requirements that are set forth in 46 U.S.C. 31321. A preferred mortgage creates a lien against the mortgaged vessel in the amount of the mortgage indebtedness (46 U.S.C. 31322 and 31325). A preferred mortgage is a perfected lien that has priority over certain other maritime liens and all non-maritime liens in an *in rem* admiralty foreclosure (46 U.S.C. 31326).<sup>3</sup> Acquiring a preferred mortgage is beneficial to the owners of vessels, because a preferred mortgage generally has a substantially lower interest rate than a mortgage secured by a non-perfected lien. While documented vessels are eligible for a preferred mortgage, undocumented vessels can receive such a mortgage only if the State in which it is titled satisfies the applicable Federal requirements and receives approval from the Coast Guard.<sup>4</sup>

To encourage States to participate in and share information with the VIS, the Coast Guard requires certification before maritime liens can be perfected. The guidelines that cover what a State must do to have its titling laws certified by the Coast Guard are located in Title 33 of the Code of Federal Regulations (CFR), part 187, and specifically in subpart D—State Vessel Titling Systems. In addition to the specific titling requirements, subpart D contains a requirement that the State must “comply with the VIS participation requirements of § 187.11 and subpart C of this part and make vessel information it collects available to VIS.”<sup>5</sup>

Despite the incentive of being able to provide owners of undocumented vessels access to preferred mortgages, currently no States have titling laws that comply with the Coast Guard guidelines in subpart D. This is because of a conflict between the guidelines in subpart D and provisions of the Uniform Commercial Code (UCC), specifically Articles 2 and 9, which govern the titling of property. Because most States rely on compliance with the UCC to facilitate an array of commercial transactions, they have been unable to modify their laws to comply with the Coast Guard’s certification guidelines in subpart D.

##### B. UCOTA–V

The National Conference of Commissioners on Uniform State Laws (NCCUSL) drafted UCOTA–V<sup>6</sup> with input from members of the National Association of State Boating Law Administrators (NASBLA), boat manufacturers and dealers, banking interests, and the Coast Guard, which continues to be supportive of it. Unanimously approved by the NCCUSL in July 2011, UCOTA–V provides a consistent consumer protection measure that allows the identification of vessels that have been deemed unsafe, preventing them from being sold without disclosure.

The NASBLA membership adopted UCOTA–V as a model act of the association at its annual business meeting in September 2011. Through one of its policy committees, NASBLA has continued to work with NCCUSL in promoting and supporting UCOTA–V adoption by the States. Currently, five States have adopted the act and five other States are at various stages of preparation to do so. The NCCUSL set forth several “principal objectives” when writing UCOTA–V. The objectives for UCOTA–V are to:

- (1) Qualify as a State titling law that the Coast Guard will approve;
- (2) Facilitate transfers of ownership of a vessel;
- (3) Deter and impede the theft of vessels by making information about the ownership of vessels available to both government officials and those interested in acquiring an interest in a vessel;
- (4) Accommodate existing financing arrangements for vessels;
- (5) Work seamlessly with the UCC;
- (6) Manage, to the extent possible, the complications that can arise from a vessel’s transition in or out of Federal documentation;
- (7) Provide clear rules on the consequences of compliance or noncompliance;
- (8) Impose minimal or no new burdens or costs on State titling offices; and
- (9) Protect buyers and others acquiring an interest in an undocumented vessel by requiring that the title for the vessel be branded if a casualty or sinking has caused significant damage to the vessel’s hull integrity.<sup>7</sup>

<sup>1</sup> As used throughout this notice of proposed rulemaking (NPRM), “State” means any of the 56 jurisdictions (50 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands) that administer Coast Guard-approved recreational vessel numbering systems.

<sup>2</sup> See 46 U.S.C. 12501.

<sup>3</sup> A perfected lien is generally a lien that has been filed with the appropriate filing agent in order to make the securing interest in a collateral asset binding. See 46 U.S.C. 31321.

<sup>4</sup> See 46 U.S.C. 31322(d).

<sup>5</sup> See 33 CFR 187.301 and 33 CFR 187.201.

<sup>6</sup> A copy of UCOTA–V is located in the docket at <https://www.regulations.gov>, as indicated in the Public Participation and Request for Comments portion of this preamble.

<sup>7</sup> See 46 U.S.C. 12503, Information available to the system. In addition to the vessel identification

Various maritime interests recommended that the Coast Guard update its certification guidelines so that States that have adopted laws compliant with UCOTA-V can meet the certification guidelines. In 2014, the National Boating Safety Advisory Council (NBSAC), a group established under the Federal Advisory Committee Act to advise the Coast Guard, passed Resolution No. 2014-92-01 recommending that the Coast Guard initiate a rulemaking to revise subpart D based on UCOTA-V, for the following reasons:

- (1) The well-conceived and well-drafted nature of UCOTA-V;
- (2) The lack of State support for current subpart D;
- (3) The interest in complying with a revised subpart D to obtain the benefits of preferred mortgages;
- (4) Theft deterrence by facilitating interstate recovery of stolen vessels; and
- (5) Facilitation of greater participation in the VIS.<sup>8</sup>

In addition, NASBLA recommended the incorporation of UCOTA-V provisions as well. In response to an agency solicitation for regulatory reform proposals pursuant to Executive Order 13777 (Enforcing the Regulatory Reform Agenda),<sup>9</sup> NASBLA recommended that the Coast Guard revise subpart D to align Coast Guard certification requirements with the requirements of UCOTA-V. NASBLA noted that the current subpart D regulations “have become obsolete, fostered inefficiencies, and/or have become increasingly difficult to consistently apply.”<sup>10</sup>

Based on the recommendations of these two organizations, as well as our desire to increase State participation in the VIS, the Coast Guard is proposing revisions to subpart D to allow for any State adopting titling laws in accordance with the guidelines in UCOTA-V to meet Coast Guard certification requirements. We discuss

the specific proposed requirements for subpart D below.

## V. Discussion of Proposed Rule

For the reasons described above, this proposed rulemaking would revise subpart D of 33 CFR part 187 so that State titling laws modeled on UCOTA-V would meet the certification requirements of subpart D. We propose to replace the entire text of the existing subpart D with new guidelines that would accommodate States that adopt variants of the model code appropriate for their State commercial legal regimes. The Coast Guard is not proposing to incorporate UCOTA-V in its entirety because some sections of UCOTA-V are not applicable to the Federal Government. For example, included in UCOTA-V is a “savings clause” provision (see section 28 of UCOTA-V). Because the execution of the savings clause would be governed by State law applicable to vessel titling that existed prior to the adoption of UCOTA-V,<sup>11</sup> there is no Federal interest or need to apply Federal oversight of the application of a savings clause.

In short, so long as vessels have been properly registered through the State, the savings clause provision found in section 28 of UCOTA-V has no bearing on the Coast Guard’s regulatory regime. Therefore, we are not including UCOTA-V’s savings clause provision within this proposal. Instead, we are proposing certification guidelines that incorporate UCOTA-V, but with a number of policy or stylistic changes, such that the guidelines are flexible enough to allow for the variations in State law permitted by UCOTA-V.

In addition to the savings clause provision in section 28, the Coast Guard is proposing to omit the following sections of UCOTA-V that do not bear specifically on titling concerns.

*Section 1, Short title.* We are integrating the requirements of UCOTA-V into Coast Guard regulations, so we do not need to adopt the act’s title.

*Section 4, Supplemental principles of law and equity.* This provision concerns the interpretation principles of UCOTA-V and, while this is a general principle of the UCC, it is not needed for Coast Guard certification of a State’s titling law.

*Section 8, Creation and cancellation of certificate of title, subsection (f).* We are not incorporating subsection (f) of

section 8 because it is an optional provision for the States that “provides a procedure for the office to follow before canceling a certificate of title. It is intended for those states whose public records or other law does not already provide a procedure that ensures all interested parties are notified in advance and given an opportunity to be heard.”<sup>12</sup>

*Section 26, Uniformity of application and construction.* This provision also concerns interpretation principles and is not needed for Coast Guard certification.

*Section 27, Relation to electronic signatures in global and national commerce act.* This section describes the relation of a State’s law to certain Federal statutes concerning electronic signature, which is not relevant in the certification of State titling law.

*Section 28, Savings clause.* For the reasons discussed above, the Coast Guard is not incorporating section 28.

The Coast Guard also proposes a variety of stylistic changes. First, we propose keeping the general numbering scheme of the text of UCOTA-V in regulatory text, replacing references to “Section X” with the appropriate citation to the equivalent regulatory section, subsection, or paragraph. We would also replace certain words such as “shall” with “must,” as provided by the Federal Plain Language Guidelines.<sup>13</sup> Additionally, we would replace references to “the UCC” or specific sections of the UCC with references to “State law.”

We provide a section-by-section discussion of the proposed certification guidelines below.

*Section 187.7, What are the definitions of terms used in this part?* We propose to rename this section *Definitions*. We propose to use most of the existing definitions within Section 187.7 and add new definitions from section 2 of UCOTA-V. If a definition from UCOTA-V differs from an existing regulatory definition (for example, the term “documented vessel” in UCOTA-V differs from the current definition in § 187.7), we would use the definition from UCOTA-V.

The definitions from UCOTA-V that we propose adding are as follows:

- Barge;
- Builder’s certificate;
- Buyer;
- Cancel;
- Certificate of title;

information made available by States. See NBSAC Resolution 2014-92-01 <https://homeport.uscg.mil/Lists/Content/DispForm.aspx?ID=483&Source=/Lists/Content/DispForm.aspx?ID=483>.

<sup>8</sup> See 46 U.S.C. chapter 125, (Vessel Identification System). Subsection (a) of section 12501 requires the Secretary of DHS to establish a system of information concerning vessels of the United States for law enforcement and other purposes. The Secretary is required to make available information from the system relating to the ownership of vessels documented under chapter 121 of title 46, numbered under chapter 123 of that title, and titled under the law of a State. See <https://cgmix.uscg.mil/VISInformation.aspx?VISOption> for more information regarding VIS.

<sup>9</sup> Executive Order 13777 was revoked by Executive Order 13992 (Volume 86 of the **Federal Register** (FR) at Page 7049 (Jan. 25, 2021)).

<sup>10</sup> Comment from NASBLA, available at <https://www.regulations.gov>, docket number USCG-2017-0480-0149.

<sup>11</sup> See the explanation contained in the table on page 57 of UCOTA-V which says: “States will decide under existing state law how they will treat vessels that were previously titled under state law prior to adoption of UCOTA-V.” Thus, previously existing state requirements do not bear on the titling issues that this proposal seeks to address.

<sup>12</sup> UCOTA-V, Section 8, Legislative Note, page 25.

<sup>13</sup> See Federal Plain Language Guidelines, Rev. 1, (May 2011) on p. 25. These can be accessed at <https://www.plainlanguage.gov/guidelines>.

- Electronic;
- Electronic certificate of title;
- Foreign-documented vessel;
- Good faith;
- Hull damaged;
- Lien creditor;
- Office;
- Owner of record;
- Purchase;
- Purchaser;
- Record;
- Secured party of record;
- Sign;
- State of principal operation;<sup>14</sup>
- Title brand;
- Transfer of ownership;
- Vessel number; and
- Written certificate of title.

*Subpart D heading and section titles.*

For clarification, we propose to revise the heading for subpart D from “Guidelines for State Vessel Titling Systems” to the more general “State Vessel Titling Systems.” We would also change the section titles in revised subpart D to better align with the section titles of UCOTA–V.

*Section 187.301.* We propose to clarify this section by replacing the language that says the Coast Guard “may certify” a State vessel titling system if it complies with the requirements of the subpart with “will certify.” We propose this change because, if the State’s titling system meets the requirements of this regulation, the state has met the Coast Guard’s requirements. Thus, the Coast Guard will certify the State’s titling system, thereby fulfilling the requirements set forth in 46 U.S.C. 31322(d)(1) for preferred mortgage status. The purpose of this regulation is for States to take advantages of sharing validated vessel information that meets the minimum requirements listed in regulations.

*Section 187.302 (new).* We propose moving the list of terms States must define from § 187.303 to this new section to keep the structure consistent with the rest of UCOTA–V. The new § 187.302(a) would incorporate the current requirement of § 187.303 that States define listed terms substantially as they are defined in § 187.7. The terms already listed in § 187.7 would not be removed or substantively changed, but some definitions would be rephrased, and several new terms would be added as recommended by UCOTA–V, section 2(a), which includes a list of definitions for States to adopt directly. In addition, the new § 187.302(b) would require States to define the terms listed in UCOTA–V section 2(b). These are

general terms derived from the UCC, which all States have adopted, or adopted in modified form. Finally, we would add a new § 187.302(c), incorporating UCOTA–V section 2(c), stating that subpart D definitions do not apply to any State or Federal law governing licensing, numbering, or registration if the same term is used in that law.

*Section 187.303.* We would revise § 187.303 to incorporate UCOTA–V section 3 applicability provisions. As described above, the current list of terms States must define would be moved to the new § 187.302.

*Section 187.304.* We would retain this section, without change, but would rename it to better match the rest of the subpart.

*Section 187.305.* This section currently specifies requirements for title applications. We would move the material on this topic to the revised § 187.307. The revised § 187.305 would incorporate UCOTA–V section 5, defining which State’s law governs vessels covered by title certificates.

*Section 187.306 (new).* This new section would incorporate the UCOTA–V section 6 discussion of when a title certificate is and is not required.

*Section 187.307.* The revised § 187.307 would incorporate UCOTA–V section 7 specifications for title application contents. Currently, this section mandates certain provisions that States must impose on vessel dealers and manufacturers. We would no longer require these dealer- or manufacturer-specific conditions because they are covered by the UCOTA–V provisions that we propose adopting.

*Section 187.308 (new).* This new section would incorporate the UCOTA–V section 8 provisions for creating and canceling title certificates, with the exception of optional paragraph (f), as detailed above in the discussion of UCOTA–V section 8.

*Section 187.309.* Section 187.309 currently covers requirements for voluntary title transfers (transfers other than by operation of law). Section 187.317 currently covers title certificate contents. Under our proposal, we would exchange these, so the revised § 187.309 would cover title certificate contents (an adaptation of UCOTA–V section 9) and the revised § 187.317 would cover requirements for voluntary title transfers (an adaptation of UCOTA–V section 17). We propose this change to better align with the structure of UCOTA–V.

*Section 187.310 (new).* This new section would incorporate UCOTA–V section 10 title brand provisions. We would incorporate these provisions to deter title washing and protect buyers

and others acquiring an interest in an undocumented vessel.

*Section 187.311.* This section currently requires new title certificates after vessel ownership transfers by operation of law. We propose moving this discussion to the new § 187.320. The revised § 187.311 would incorporate UCOTA–V section 11 requirements for maintenance of and access to State title certificate files.

*Section 187.312 (new).* This new section would incorporate UCOTA–V section 12, concerning the duties of the State and title holder upon creation of a title certificate.

*Section 187.313.* This section currently requires a State to honor evidence of vessel ownership from another State, country, or the Coast Guard. Under this proposal, we would move this discussion to § 187.328. The revised § 187.313 would incorporate UCOTA–V section 13, declaring the *prima facie* evidential value of title certificate contents.

*Section 187.314 (new).* This new section would incorporate UCOTA–V section 14, concerning the possession of a title certificate and judicial process against a certificate.

*Section 187.315.* This section currently provides that a State title is invalidated when exchanged for a certificate of documentation. The revised § 187.315 would incorporate UCOTA–V section 15 provisions for perfecting vessel security interests, which is currently addressed in § 187.323.

*Section 187.316 (new).* This new section would incorporate UCOTA–V section 16, concerning the termination of a security interest in a vessel. Currently, § 187.327 requires States to establish their own termination procedures. We propose removing and reserving § 187.327.

*Section 187.317.* To better align with UCOTA–V’s structure, we would exchange the provisions on the topics covered by § 187.309 with the topics covered by § 187.317, as discussed above at *Section 187.309*.

*Section 187.318 (new).* This new section would incorporate UCOTA–V section 18, concerning the effect of missing or incorrect title certificate information.

*Section 187.319.* This section currently covers applying for replacement or “redundant” title certificates. We propose moving this topic to the new § 187.322. The revised § 187.319 would incorporate UCOTA–V section 19, concerning the transfer of a vessel ownership interest by a secured party’s transfer statement.

<sup>14</sup> In UCOTA–V, this term is “State of principle [*sic*] use.”

*Section 187.320 (new).* This new section would incorporate UCOTA–V section 20, concerning ownership interest transfers by operation of law, which § 187.311 currently contains.

*Section 187.321.* This section currently requires a hull identification number to be assigned and affixed to a vessel upon proof of its ownership. We propose replacing the existing language with a substantively identical adaptation of UCOTA–V section 21, concerning applications for transferring ownership or for canceling a security interest that is not accompanied by a certificate of title. UCOTA–V recommends more specific requirements for recording hull identification numbers, which we would include in revised §§ 187.307, 187.309, 187.311, 187.315, and 187.325. For example, UCOTA–V requires the State to issue a hull identification number in cases where the State did not issue one to the vessel owner or operator upon original construction, such as an antique vessel built prior to November 1972.

*Section 187.322 (new).* This new section would incorporate UCOTA–V section 22, concerning replacement title certificates, which is currently addressed in § 187.319.

*Section 187.323.* This section currently specifies procedures for perfecting vessel security interests, which would be addressed in § 187.315. The revised § 187.323 would incorporate UCOTA–V section 23, concerning the rights of a vessel purchaser who is not a secured party.

*Section 187.324 (new).* This new section would incorporate UCOTA–V section 24, concerning the rights of secured parties.

*Section 187.325.* This section currently requires States to specify the procedure for assigning vessel security interests, which would be addressed in the revised § 187.315(f). The revised § 187.325 would incorporate UCOTA–V section 25, specifying certain requirements for the administrative operation of a State certificating authority, such as length of record retention and allowable fees.

*Section 187.327.* We would remove this section, which covers the discharge of a vessel security interest. This topic would be covered in the new § 187.316.

*Sections 187.329.* We would remove this section. It is not necessary to retain the requirement in § 187.329 for States to specify titling system forms, as UCOTA–V requirements for specific records would appear throughout revised subpart D. An example of this is in the title application and certificate provisions of §§ 187.306 through 187.310.

*Section 187.331.* We would remove this section. Section 187.331 requires States to retain title system information and make it available to government authorities. In the revised subpart D, similar requirements would appear in §§ 187.311(d) and 187.325(a).

## VI. Regulatory Analyses

The Coast Guard developed this NPRM after considering numerous statutes and Executive orders related to

rulemaking. Below, we summarize our analyses based on these statutes or Executive orders.

### A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it. We developed an analysis of the costs and benefits of the proposed rule to ascertain its probable impacts. A regulatory analysis (RA) follows.

This RA provides an evaluation of the economic impacts associated with this proposed rule. Table 1 provides a summary of the proposed rule's costs and benefits. The Coast Guard requests public comments on all aspects of the following analysis. In particular, the Coast Guard requests comments on the categories of unquantified costs and benefits and potential costs listed in Table 1 below.

TABLE 1—SUMMARY OF THE PROPOSED RULE'S IMPACTS <sup>1</sup>

Category	Summary
Affected Population .....	56 States of which 18 are not currently in compliance with VIS requirements and 47 have not adopted UCOTA–V (subpart D) or started the process.
Costs (7-percent discount rate) .....	\$138,490 (10-year discounted cost). \$19,718 (annualized cost).
Unquantified Costs <sup>2</sup> .....	<ul style="list-style-type: none"> <li>• 2 States currently have legislative conflicts that may impact VIS participation. While the cost to negotiate and amend the legislation is estimated, the cost of labor to put forward and vote on the privacy legislation is difficult to quantify.</li> <li>• 47 States currently have legislative conflicts that may impact adopting UCOTA–V. While the cost to negotiate and amend the legislation is estimated, the cost of labor to put forward and vote on the privacy legislation is difficult to quantify.</li> </ul>
Potential Costs <sup>3</sup> .....	<ul style="list-style-type: none"> <li>• Costs to vessel owners, imposed by States without titling programs (7 States), who require vessel owners to obtain a title. Estimated potential cost of obtaining title is \$50 (<i>not in cost analysis</i>);</li> <li>• Costs to vessel owners, imposed by States without titling programs (7 States), who may experience opportunity costs for labor expended to obtain a title (<i>not in cost analysis</i>);</li> <li>• Costs to vessel owners, imposed by States with titling programs (47 States), who may impose additional costs or fees on vessel owners (<i>not in cost analysis</i>);</li> <li>• Cost to States to update website after reviewing rule (<i>not in cost analysis</i>);</li> <li>• Cost to States seeking to become VIS compliant to transfer data to the Coast Guard (<i>included in cost analysis</i>).</li> </ul>
Unquantified Benefits .....	Ability to obtain preferred mortgage status; lower transaction costs; deterrence to “title washing;” recovery of stolen vessels; identification of abandoned vessels; consumer protection; and security measures for financial entities; lower administrative burden and costs to the buyer.

<sup>1</sup> Figures are rounded to the nearest one dollar.

<sup>2</sup> Unquantified costs are defined as costs that are incurred as a direct or indirect result of the rulemaking, which are not quantified.

<sup>3</sup> Potential costs are defined as costs that may *potentially* be incurred as a direct or indirect result of the rulemaking.

This proposed rule has several goals. The Coast Guard intends to establish minimum requirements for States electing to become subpart D-compliant and to prescribe guidelines for State vessel titling systems. We also intend to provide guidance on how to obtain certification of compliance with State guidelines for vessel titling systems for the purpose of conferring preferred status on mortgages, instruments, or agreements under 46 U.S.C. 31322(d).

The proposed revisions would affect States that voluntarily seek to certify their State titling laws with the Coast Guard, pursuant to regulations under 33 CFR part 187, and to participate in the VIS. As such, the affected population for this proposed rule would include the 56 U.S. States.

The Coast Guard has been encouraging States to participate in the VIS since it has been in place in 2007, but some have chosen not to participate, primarily because of privacy laws regarding the sharing of personally identifiable information. The VIS comprises a nationwide information system for identifying recreational, commercial, and public vessels that are numbered. As of January 21, 2020, 38 States were participating in the VIS.<sup>15</sup> To encourage further participation, participating States have access to all VIS data.

As described later, the benefits of this proposed rule would include increased uniformity across States in their titling laws. In turn, this would lead to a reduction in transaction costs, increased fraud prevention (insurance fraud and fraud from illegitimately owned vessels), increased consumer protection, a decrease in risk to lenders, the recovery and identification of abandoned vessels, and increased efficiencies for interstate commerce. Even though there is no new requirement in the proposed rule for vessel owners to report vessel damage to the VIS directly, the insurance company would be required to provide the information to the State if the owners make claims to repair the vessels. Once the States provide the vessel information to the VIS, the system can track the vessel information and share with other States if the repaired boats are sold as boats with no damage outside the State.

More specifically, transaction costs would be lower because consumers may be able to get preferred loans which have lower interest rates. Also, a buyer's

administrative burden and costs when buying a vessel from a private party may be lessened because the buyer would not have to do extensive research to assure the vessel is being sold by the legitimate owner. In addition, some non-titling States require bonds when vessels are sold; this transaction cost may be eliminated with the adoption of UCOTA-V.

#### Affected Population

This proposed rule would potentially affect all 56 States. The affected population of the regulated public may be parsed by VIS participation and also by UCOTA-V adoption. As of January 21, 2020, 38 States were participating in the VIS,<sup>16</sup> 16 States were interested in joining the VIS, but had not signed a Memorandum of Agreements (MOA) on VIS participation, and two States were not able to comply with VIS requirements due to conflicts with their own state's privacy laws. Regarding UCOTA-V adoption, 47 of 56 States have not adopted UCOTA-V.<sup>17</sup>

#### Costs

The proposed rule would result in costs to the regulated public (State and territorial governments) and to the Coast Guard. Costs to the States may be divided between VIS compliance costs and UCOTA-V adoption (proposed subpart D compliance) costs. The proposed rule would not impose direct costs on vessel owners, as it would deter fraud by introducing penalties for providing false information. However, there is potential for indirect costs, as noted later.

Vessel owners are not required to take action as a result of the proposal. For example, this proposed rule does not require additional documentation from vessel owners. Transfer of title always requires a new title to be issued, which is common practice. There is no requirement other than a statement from the current owner declaring the vessel is, or has been, damaged. There is no other documentation required for proof of damage. There is no requirement for a statement from an insurer. This merely provides disclosure to a buyer.

The proposed changes of the NPRM would lead to changes in some States, which may have cost implications for vessel owners and the States. Below describes the potential costs to vessel

owners as a direct or indirect result of this proposed rule.

#### Potential Costs to Vessel Owners

The proposed rule would affect 56 States, all of which have vessel owners. In States that currently have a titling program for vessels, and that participate in the VIS, vessel owners would experience no incremental impact. In States with an existing titling program, vessel owners would be affected if the State changes or imposes additional fees through their legislative or regulatory process. States that are compliant with UCOTA-V (proposed subpart D) report that they did not impose any additional fees after the adoption of UCOTA-V provisions, and, according to the Coast Guard's Office of Auxiliary and Boating Safety (BSX), no State has signaled the intent to increase titling fees if their system becomes certified as UCOTA-V compliant. However, the Coast Guard cannot definitively conclude that recreational vessel owners would not face a cost increase as an indirect effect of these proposed changes. Nonetheless, we have not computed a cost due to the proposal to vessel owners in States with a titling system, due to the uncertainty of a potential cost increase.<sup>18</sup> The Coast Guard will revisit this evaluation further after reviewing the public comments it receives during the comment period of this proposed rule.

In States without a vessel titling program, recreational vessel owners may experience a cost increase because of this proposed rule. These States have not indicated to the Coast Guard how they would handle existing vessels once they have established a titling system. Existing vessels may be grandfathered in and permitted to be titled voluntarily by the owner, or States may require all vessel owners to obtain a title. A review of websites for States with a titling program demonstrated that the cost of vessel titles are generally \$50 or less.<sup>19</sup> Because the Coast Guard does not have information on how future titling programs would be operated, we have not computed the potential costs to obtain titles in these States as a cost in this rulemaking. We acknowledge that there may be some opportunity costs<sup>20</sup>

<sup>18</sup> According to BSX, recreational vehicle owners for the 10 compliant and semi-compliant States did not incur a cost increase.

<sup>19</sup> This statement is based on the Coast Guard's review of website information for 52 States (March 2020). For Virginia state fees, see <https://dwr.virginia.gov/boating/registration/procedure/>. For Florida state fees, see <https://www.flhsmv.gov/motor-vehicles-tags-titles/vessels/vessel-titling-registrations/>.

<sup>20</sup> The use of leisure time to obtain the title. The cost of this task may be calculated by the formula:

Continued

<sup>15</sup> <https://cgmix.uscg.mil/VISInformation.aspx?VISOption>. This page was last viewed on January 22, 2020. On that date the last update was January 21, 2020.

<sup>16</sup> VIS participation is defined by the existence of a signed MOA.

<sup>17</sup> The five States that have adopted UCOTA-V are Connecticut, the District of Columbia, Florida, Hawaii, and Virginia. The four States in the process of adopting UCOTA-V are Alabama, Georgia, Tennessee and Texas. This data is current as of January 21, 2020.

for labor expended to obtain the title and actual fees for the title.

No further action would be required by vessel owners. Vessel owners do not need to renumber their vessels as a result of the proposed rule, since existing hull numbers are unrelated to

titling. No equipment is required by vessel owners for compliance.

Table 2 below summarizes this section detailing potential costs of the proposed rule. All are considered indirect costs, as they are costs that may be imposed by the State on vessel

owners as a result of the proposed rule, but not mandated by the rule itself.

There are other potential costs of the rule detailed in future section. For a comprehensive list of all potential costs, please refer to Table 1.

TABLE 2—SUMMARY OF POTENTIAL COSTS

Task	Description	Party bearing cost	Potential direct or indirect cost of proposed rule
Obtaining a vessel title (Cost of title).	Costs to vessel owners, imposed by States without titling programs (7 States), that require vessel owners to obtain a title. Potential cost of obtaining title is \$50.	Vessel owners in 7 States ....	Potential indirect cost of proposed rulemaking.
Obtaining a vessel title (opportunity cost of obtaining title).	Costs to vessel owners, imposed by States without titling programs (7 States), who may experience opportunity costs for labor expended to obtain a title.	Vessel owners in 7 States ....	Potential indirect cost of proposed rulemaking.
N/A .....	Costs to vessel owners, imposed by States with titling programs (47 States) that may impose additional costs or fees on vessel owners.	Vessel owners in 47 States ...	Potential indirect cost of proposed rulemaking.

#### Costs to the Coast Guard

We estimate that the Government costs associated with this regulatory action would be labor costs for the Coast Guard to: (1) Process MOAs from the States; (2) coordinate with States; and (3) update the Coast Guard website. No additional equipment would be needed to perform these tasks under the proposed rule.

In order to process an MOA, it is first transmitted from the States to a Coast Guard compliance officer in BSX and then to the Commandant (or designee) for approval. To coordinate with the States, a Coast Guard compliance officer would engage with and respond to inquiries from the States. The Coast Guard estimates that a Coast Guard compliance officer would spend 0.25 hour to process an MOA from a State

and another 0.25 hour to transmit it to the Commandant (or designee) for approval. The Commandant or designee would spend 0.2 hour to approve an MOA (Cost = Count of MOAs × [(0.5 hour × Compliance officer's wage rate) + (0.2 hour × Commandant's wage rate)]).

As a result of this proposal, we estimate that the Coast Guard would need to engage with, respond to inquiries, and coordinate with States regarding VIS participation and UCOTA-V compliance. Eighteen States are not in the VIS We estimate that a Coast Guard compliance officer would need to coordinate with each of these States for VIS participation.<sup>21</sup> To engage with and respond to inquiries from States, we estimate that the compliance officer would spend 0.5 hour per State's

inquiry to coordinate a response (Cost = 18 States × (0.5 hour × Compliance officer's wage rate)). For the 47 States needing to adopt UCOTA-V, we estimate that a Coast Guard compliance officer would spend 0.5 hour per State to assist (Cost = 47 States × (0.5 hour × Compliance officer's wage rate)).

Lastly, the Coast Guard would need to update its website with information on this proposed rule. We estimate that 1 hour would be needed by a computer technician and an additional 0.25 hour for a compliance officer to supervise and approve the update. This is a one-time task that is expected to occur in the first year of the final rule's enactment (Cost = [(0.25 hour × Coast Guard compliance officer's wage rate) + (1 hour × Federal computer technician's wage rate)]).

TABLE 3—SUMMARY OF COSTS TO THE COAST GUARD

Task	Time burden and responsible party	Cost	Applicable population	Direct or indirect cost of proposed rule
Process MOA from States ...	0.25 hours to process MOA ( <i>USCG Compliance officer</i> ). 0.25 hours to transmit for approval ( <i>USCG Compliance officer</i> ). 0.2 hours for approval ( <i>Commandant or designee</i> ).	(0.5 hours × USCG Compliance officer's wage rate) + (0.2 hour × Commandant or designee's wage rate) × 56 States.	One-time cost to the Coast Guard for all 56 States.	Direct.

One-half of the median household income. The Coast Guard followed the Department of Transportation's (DOT) guidance for valuing the opportunity cost of leisure time. Readers should consult the DOT Memorandum "Revised Departmental Guidance on the Valuation of a

Statistical Life," which may be found at <https://www.transportation.gov/sites/dot.gov/files/docs/2016%20Revised%20Value%20of%20Travel%20Time%20Guidance.pdf>.

<sup>21</sup> Readers may consult Coast Guard data at <https://cgmix.uscg.mil/VISInformation.aspx>. This

web page was last viewed on January 21, 2020. Sixteen States have initiated VIS participation, but have not completed an MOA. Two States do not participate.

TABLE 3—SUMMARY OF COSTS TO THE COAST GUARD—Continued

Task	Time burden and responsible party	Cost	Applicable population	Direct or indirect cost of proposed rule
Coordinate with States .....	0.5 hours for 18 States without VIS ( <i>USCG Compliance officer</i> ). 0.5 hours for 47 States needing to adopt UCOTAV ( <i>USCG Compliance officer</i> ).	18 States $\times$ (0.5 hour $\times$ USCG Compliance officer's wage rate). 47 States $\times$ (0.5 hour $\times$ USCG Compliance officer's wage rate).	One-time cost to the Coast Guard for 18 States. One-time cost to the Coast Guard for 47 States.	Direct.
Update Coast Guard Website.	1 hour to update ( <i>Federal computer technician</i> ). 0.25 hours to approve ( <i>USCG Compliance officer</i> ).	0.25 hour $\times$ USCG compliance officer's wage rate) + (1 hour $\times$ Federal computer technician's wage rate).	One-time cost to the Coast Guard.	Direct.

## Costs to the Regulated Public (States)

Compliance with the proposed rule would require a variety of tasks by the regulated public. This section documents the Coast Guard's assessment of the proposed rule's changes and the steps States would need to take as a result. Not all tasks would need to be carried out by all the States. In this section, the Coast Guard notes first the tasks that apply to all States. Next are the tasks that result from the proposed rule. We split these tasks into categories to better calculate the costs, since some tasks apply to some States and others apply to other States, depending on their current level of compliance with existing rules.

Below is a list of all costs to the regulated public:

## Costs to the Regulated Public—States

All 56 States would need to be familiarized with the proposed rule and complete the task of reviewing the State's website. Upon review of the State's procedures and websites, some States may need to make updates. These are discussed in more detail below.

The Coast Guard estimates that States would spend 0.5 hour to become familiarized with the proposed rule.<sup>22</sup> A manager would perform this task. A manager would spend another 0.5 hour to review the State's procedures and website to make a determination if anything would need to change in response to the proposed rule (Cost = 56 States  $\times$  0.5 hour  $\times$  State manager's wage rate). All 56 States may potentially need to update their websites, which would be accomplished by a computer

technician. The Coast Guard estimates that this task would take 1 hour and would be performed by a computer technician at the direction of a manager.<sup>23</sup> However, as the Coast Guard does not have an estimate on how many States would need to update their website, the cost is considered only a potential cost and is not factored into the cost analysis.

Although not explicitly required, some States may send email notifications or a press release to interested parties (*e.g.*, such as the media, recreational boaters, boating associations, the Coast Guard Auxiliary, etc.) Another 0.5 hour is estimated for a State manager to write a notification of regulatory change for the public.<sup>24</sup> We estimate these as one-time costs to the State.

TABLE 4—SUMMARY OF COSTS TO STATES

Task	Time burden and responsible party	Cost	Applicable population	Direct or indirect cost of proposed rule
Become familiarized with rule.	0.5 hours State manager .....	Cost = (56 States $\times$ 0.5 hour $\times$ State manager's wage rate) + (56 States $\times$ 0.5 hour $\times$ State manager's wage rate).	One-time cost to all 56 States.	Direct.
Review website .....	0.5 hours State manager .....			Direct.
Update website ( <i>Not included in cost analysis</i> ).	1 hour Computer technician	Cost = 1 hour $\times$ 56 States $\times$ Computer Technician's wage rate.	Potential one-time cost to all 56 States.	Potential direct cost.
Notification of change .....	0.5 hours State manager .....	Cost = 0.5 hour $\times$ 56 States $\times$ State manager's wage rate.	One-time cost to all 56 States.	Direct.

<sup>22</sup> This estimate is based on a previous Coast Guard rulemaking. In the 2014 final rule for Personal Flotation Devices Labeling and Standards (79 FR 56491), the Coast Guard estimated that the task would take 0.5 hour (<https://www.federalregister.gov/documents/2014/09/22/2014-22373/personal-flotation-devices-labeling-and-standards>). Time estimate can be found under Table 2, "State

Regulatory Review". No public comments were received on this estimate. This page was last viewed on May 21, 2021.

<sup>23</sup> The Coast Guard estimates a manager would spend 0.25 hour to provide direction and supervise and approve the work of a computer technician.

<sup>24</sup> This estimate is based on the Coast Guard's rule for Tankers Automatic Pilot Systems (83 FR 55272).

Please see <https://www.federalregister.gov/documents/2018/11/05/2018-24127/tankers-automatic-pilot-systems>, Table 3, "Write Notification of Regulatory Change", 4th Entry (0.5 hours). This estimate is defined as "Communicate regulatory change", which is an identical task undertaken by the State manager. This page was last viewed on May 21, 2021).

### Costs to the Regulated Public—States (VIS Compliance Costs)

Based on BSX data,<sup>25</sup> we estimate that there are two States currently not in compliance with any existing VIS requirements. Some States are in partial compliance with existing requirements for the VIS. Coast Guard data demonstrates that 16 States have initiated VIS participation, but are not in compliance because they do not have a signed MOA with the Coast Guard. The remaining 38 States have signed MOAs, which means they are participating in the VIS.

The 16 States that have initiated VIS activity, but do not have a signed MOA with the Coast Guard, would need to complete the following steps for an MOA. In order to comply, States would incur costs to: (1) Coordinate with the Coast Guard for data transfer; (2) prepare and submit a completed MOA and participation form; and (3) engage in coordination activities to complete a new user request form.

All the VIS-participating States would engage in activities to upload data to the VIS. However, according to Info-Link Technologies,<sup>26</sup> the contractor responsible for VIS updates, VIS data uploads for each State are often an automated process, where software automatically prepares and uploads a

data file each month. The economic impact of the data submission is zero as a result of Info-Link Technologies already bearing the cost for the data, which they receive from every State regardless of their participation in VIS. Thus, States that do not currently participate in VIS still engage in a virtual data submission with the contractor and will not incur an additional cost or time burden. As a result, we conclude that VIS data uploads would not produce costs to States new to VIS.

New VIS participants would need to complete the new user request form. We estimate that it would take 0.1 hour to complete the form. These estimates are based on data provided by Info-Link Technologies and the Coast Guard's Collection of Information entitled "Vessel Identification System," OMB Control Number: 1625-0070.<sup>27</sup>

Lastly, two States would have to address legislative conflicts with existing privacy laws that complicate or prevent VIS participation. We estimate that such a task would require that a manager to negotiate the changes with a State legislative committee. An attorney would draft the legislation. Unlike UCOTA-V, which has uniform legislation to follow for each State, privacy law amendments may take more

time to develop. Therefore, we estimate that a manager would spend 40 hours to negotiate legislative changes. Another 40 hours would be spent by an attorney to draft the legislative language. State laws are often voted in blocks and the labor to put the amended privacy legislation forward and to vote on it is considered to be unseverable. For that reason, we have not estimated a cost for this step. However, the Coast Guard would like to request comments from the public on any information regarding the estimated cost to draft and negotiate legislative changes. Presently, we use our current estimates for drafting and negotiating these changes but omit the cost of labor to put forward and vote on the legislation.

We computed a cost to transmit VIS data to the Coast Guard for 18 States on the basis that States may correspond with the Coast Guard to initiate the data transfer or may have issues in their computer systems preventing automatic data transfer. In the event that this occurs, the State may send spreadsheets to the Coast Guard, and a technician contracted to the Coast Guard would upload the data. However, we acknowledge that this is already a task under existing regulations and, in most cases, data is automatically transmitted.

TABLE 5—SUMMARY OF COSTS

[VIS compliance]

Task	Time burden and responsible party	Cost	Applicable population	Direct or indirect cost of proposed rule
Prepare and submit an MOA.	16 hours ( <i>State manager</i> ).	18 States × (16 hours × State Manager wage rate).	One-time cost for 18 States .....	Direct.
Complete New User request form.	0.1 Hour ( <i>State manager</i> ).	18 States × (0.1 hour × State Manager wage rate).	One-time cost for 18 States .....	Direct.
Coordinate with Coast Guard for data transfer.	1 hour ( <i>State manager</i> )	18 States × (1 hour × State Manager wage rate).	Potential one-time cost for States with issues with the automatic data transfer. ( <i>Even though considered potential, included in cost analysis due to potential correspondence to initiate data transfer or issues with automatic data transfer</i> ).	Direct (Potential).
Draft legislative language to amend privacy laws.	40 hours ( <i>State manager</i> ) 40 hours ( <i>State attorney</i> ).	2 States × [(40 hours × State Manager wage rate) + (40 hours × State attorney wage rate)].	One time cost for 2 States .....	Direct.

<sup>25</sup> <https://cgmix.uscg.mil/VISInformation.aspx>. This web page was last viewed on January 8, 2020.

<sup>26</sup> Email from Info-Link Technologies, Inc. to William Burgess, Compliance Officer, CG-BSX-1 dated February 5, 2020 (available in the docket

where indicated under the Public Participation and Request for Comments portion of this NPRM).

<sup>27</sup> During the renewal process for the collection of information request, no public comments were received on the estimate. In preparing this NPRM,

the Coast Guard reviewed data and revised the estimate for the duration of labor to upload VIS data. The revision better reflects the amount of time needed to perform periodic uploads of automated data.



Costs to the Regulated Public—States in UCOTA–V Adoption (Proposed Subpart D Compliance)

We base our cost estimates on all 56 States choosing to adopt UCOTA–V. As of January 16, 2020, five States have adopted UCOTA–V, and five States are developing legislation to become UCOTA–V-compliant.<sup>28</sup> Many of the remaining States have reported that they are waiting for the Coast Guard to promulgate a rule on UCOTA–V before going through the legislative process. In addition, States often wait for their neighboring States to adopt legislation that potentially has effects across State borders. Insurers and manufacturers have lobbied for the changes. For these reasons, the Coast Guard estimates that all 56 States would adopt UCOTA–V.

Currently, 47 States have not adopted UCOTA–V nor initiated legislation to adopt UCOTA–V. The cost analysis of UCOTA–V adoption focuses solely on these 47 States. In order to comply with the proposed rule, States would need to develop legislation and amend their computer systems to comport with UCOTA–V. As noted earlier, all States would post information on their website about this rulemaking; that task appears in a preceding section of this analysis.

In order to develop UCOTA–V legislation,<sup>29</sup> a State would require the labor of an attorney<sup>30</sup> to draft the legislation<sup>31</sup> for a State legislative committee to begin the legislative process. The Uniform Law Commission has developed legislative text for UCOTA–V which each State may use to develop its respective State law. For this reason, the labor for each State is relatively low. We estimate that an attorney would spend approximately 24 hours<sup>32</sup> to draft the legislative language.

<sup>28</sup> Email from Uniform Law Commission to William Burgess, Compliance Officer, Coast Guard (January 16, 2020) (available in the docket where indicated under the Public Participation and Request for Comments portion of this NPRM).

<sup>29</sup> For all uniform acts, the State's legislative drafting office mainly formats the bill to conform to the State's required format and fill in bracketed areas of the text. The Uniform Law Commission (ULC) (<https://www.uniformlaws.org/home>) also includes italicized legislative notes when they format the bill for the particular State. This allows the time to draft the bill to be relatively shorter than with other regulations.

<sup>30</sup> Each State has its own legislative drafting agency responsible for drafting legislation. The bill drafters are attorneys who draft bills for all the state legislators.

<sup>31</sup> As this is part of the State's normal legislative process, we do not anticipate any additional fees beyond the normal process for these bills.

<sup>32</sup> This estimate comports with previous estimated durations of making legislative changes at the State level. In the final rule for Personal Flotation Devices Labeling and Standards (79 FR 56491, USCG–2013–0263, RIN 1625–AC02), Coast Guard estimated that a change by legislative would

Given that State laws<sup>33</sup> are often voted in blocks, the labor to put UCOTA–V legislation forward and to vote on it is considered to be unseverable and, for that reason, we have not estimated a further cost on developing legislation.

States adopting UCOTA–V would need to update their procedures and websites to reflect the resulting changes. We estimate that 5 hours would be spent by a State manager to review and edit State procedures, manuals, policy documents and other information (Cost = (47 States × 5 hours × State manager's wage rate)).<sup>34</sup>

The remaining UCOTA–V compliance costs items would be: (1) Labor for a manager to coordinate with the Coast Guard to ensure the State's program meets UCOTA–V certification requirements (Cost = 47 States × (0.5 hour × State manager's wage rate)); (2) labor for an administrative assistant and a manager to assist with the conversion or update to a subpart D-compliant system (Cost = 47 States × [(0.25 hour × administrative assistant's wage rate) + (0.75 hour × State manager's wage rate)]); (3) labor for a manager to oversee conversion to a subpart D-compliant system (Cost = 47 States × 0.25 hour × State manager's wage rate); and (4) labor for a software developer to convert the system to a subpart D compliant system (Cost = 47 States × (12.6 hours × computer technician's wage rate)). These tasks and their calculations are shown in table 6.<sup>35</sup>

take 10 hours. No public comments were received on this estimate. Please see <https://www.federalregister.gov/documents/2014/09/22/2014-22373/personal-flotation-devices-labeling-and-standards>. The Coast Guard adjusted this estimate to reflect the more complex nature of this change.

<sup>33</sup> Some States may delegate the approval process of such changes to an administrative law committee rather than vote on it in the legislature. The process to develop the law and to put it forward for voting would be the same.

<sup>34</sup> This estimate comports with previous estimated durations of reviewing and editing manuals and policy documents. The Coast Guard reviewed previously approved OMB collections for the final rule for Marine Vapor Control Systems (RIN 1625–AB37, USCG–1999–5150, 80 FR 7539), the proposed rule for Revision of Crane Regulation Standards (RIN 1625–AB78, USCG–2011–0992, 78 FR 27913) and the final rule for Personal Flotation Devices Labeling and Standards (79 FR 56491, USCG–2013–0263, RIN 1625–AC02, 78 FR 27913). Previously approved collections of information may be found at Information Collection Review ([reginfo.gov](https://www.reginfo.gov)). No public comments were received on these estimates. The Coast Guard adjusted its estimate to reflect changes in complexity of the task.

<sup>35</sup> According to BSX, most States use an “off the shelf” system, so changes are easy and menu driven. Some States have older systems which would take more time to adjust, but the older systems are the exception, not the rule. The Coast Guard estimates the average number of hours of labor for a computer technician by using the average time spent on design and coding from a

For the 7 States that do not have an existing titling program, the labor tasks for amending State's computers to comport with UCOTA–V would be greater. We estimate that 24 hours would be spent by a computer technician in these States to amend the State's computers to comport with UCOTA–V, and that a manager would spend another 0.5 hour to review and approve the work. The Coast Guard requests comments from States on their assessment of tasks and costs that would result from the proposed rule.

BSX routinely contacts States regarding their vessel titling systems. There are currently 45 States titling vessels and 1 State that makes titling optional.<sup>36</sup> Provided that these States become compliant with the recent regulatory changes in the Standard Numbering System, Boating Accident Report Database, and VIS (33 CFR parts 173, 174, 181, and 187) by the required date, any changes made to the current titling systems should be minimal.

Coast Guard personnel attended the National Association of State Boating Law Administrators Workshop held in Lexington, KY from 23 to 28 February 2020. Approximately 40 boating administrators from the States were in attendance, and 4 stated they were contemplating adopting UCOTA–V. The four states are Wisconsin, Minnesota, Alaska, and South Carolina. None of these 4 states have conducted a complete cost analysis, but the initial projected cost ranged from minimal to about \$8,000.

The primary changes required would include the ability to mark a title as “branded,” and to add any numbered vessels that are not currently required to be titled. For example, Virginia adopted UCOTA–V and reprogrammed their system to accept the “branded” designation. According to the State of Virginia's Boating Law Administrator

University of South Carolina study on software developers. Readers can find the study at: <https://cse.sc.edu/job/how-software-developers-really-spend-their-time>. The study uses the average number of hours per week software developers spend designing and coding software. The Coast Guard considers this to be a reasonable rough proxy for the purpose of this analysis.

<sup>36</sup> Email from NASBLA Vessel Registration, Identification, and Titling Committee (VIRT) to William Burgess, Compliance Officer, Coast Guard, February 10, 2010. Available in the docket where indicated under the Public Participation and Request for Comments portion of the preamble.

(BLA),<sup>37</sup> this was accomplished at no cost to the State.<sup>38</sup>

The remaining 11 States that do not currently title vessels do title vehicles, and their vehicle titling systems could add vessels. As an example, Connecticut (previously a non-titling State) adopted UCOTA-V and its Department of Motor Vehicles began issuing titles for vessels.<sup>39</sup> This process is analogous to registering a motor vehicle. In other words, at the time a person buys a car, the owner must register and title the car with the cognizant state. Likewise, a vessel owner would now be able to register and title vessel at the same time

and in the same place. Connecticut did not incur any new costs associated with this transition since it used the existing infrastructure, and the change was completed as a part of an information technology update as per the State BLA.<sup>40</sup>

The 10 States that have adopted or have begun adopting the UCOTA-V model have engaged in the tasks noted in this text as costs of compliance. For example, they have already collaborated with the Coast Guard regarding their vessel titling system updates. These States would not incur additional costs because they elected to adopt the

UCOTA-V model prior to this regulation. These States would not require the use of a computer technician to upgrade the computer system because the conversion has taken place already. No further actions would be needed by States in this situation. As noted earlier, these States would already be familiar with and would have reviewed their existing procedures as a result of the rulemaking. The Coast Guard invites comments on any additional costs that would be incurred by States that are currently (pre-proposal) in the process of adopting UCOTA-V.

TABLE 6—SUMMARY OF COSTS FOR SUBPART D COMPLIANCE

Task	Time burden and responsible party	Cost	Applicable population	Direct or indirect cost
Draft UCOTA-V legislative language.	2 hours ( <i>State manager</i> ) 5 hours ( <i>State attorney</i> ).	47 States $\times$ [(2 hours $\times$ State manager wage rate) + (5 hours $\times$ State attorney wage rate)].	One-time cost for 47 States.	Direct.
Coordinate with Coast Guard for compliance and certification.	0.5 hours ( <i>State manager</i> )	47 States $\times$ (0.5 hour $\times$ State manager wage rate).	One-time cost for 47 States.	Direct.
Assist with update and convert to compliant computer system.	0.25 hours ( <i>admin assistant</i> ) 0.75 hours ( <i>State manager</i> ).	47 States $\times$ [(0.25 hour $\times$ admin assistant wage rate) + (0.75 hour $\times$ State manager wage rate)].	One-time cost for 47 States.	Direct.
Oversee update or conversion to compliant system.	0.25 hours ( <i>State manager</i> ).	47 States $\times$ (0.25 hour $\times$ State manager wage rate).	One-time cost for 47 States.	Direct.
Update or convert to a compliant system.	12.6 hours ( <i>computer technician</i> ).	47 States $\times$ (12.6 hours $\times$ computer technician wage rate).	One-time cost for 47 States.	Direct.
Amend State's computers to comport with UCOTA-V. ( <i>Applies to States without an existing titling program.</i> )	2 hours ( <i>computer technician</i> ) 0.25 hours ( <i>State manager</i> ).	7 States $\times$ [(2 hours $\times$ computer technician wage rate) + (0.25 hour $\times$ State manager wage rate)].	One-time cost for 7 States	Direct.
Update State procedures or processes..	5 hours ( <i>State manager</i> ) ...	47 States $\times$ (5 hours $\times$ State manager wage rate).	One-time cost for 47 States.	Direct.
Post updated procedures on website..	0.25 hours ( <i>State manager</i> ) 1 hour ( <i>computer technician</i> ).	24 States $\times$ [(0.25 hour $\times$ State manager wage rate) + (1 hour $\times$ computer technician wage rate)].	One-time cost for 24 States.	Direct.

#### Cost Calculations for the Proposed Rule

We discuss the derivation of cost data in the following paragraphs. We estimate the approximate loaded hourly

labor rates of State employees as follows: Manager (\$94.30); administrative assistant (\$33.81); computer technician (\$67.98); and lawyer (\$124.57). The loaded wage

factor is 1.74 for non-managerial State workers and 1.56 for managers at the State level, based on Bureau of Labor Statistics (BLS) data. See table 7 for details.

<sup>37</sup> According to the Virginia BLA, updates to the system are included as a part of routine information technology maintenance. <https://community.nasbla.org/blogs/thomas-guess/2018/08/23/ucotva-in-virginia>. The website is dated August 23, 2018. This page was last viewed on February 5, 2020.

<sup>38</sup> The governor of each State appoints a single agency to be the recipient and administrator of grant funds received from the State Recreational Boating Safety Grant Program, which is authorized under 46 U.S.C. Chapter 131. These State agencies in turn appoint a BLA to be the State's single point

of contact for the purposes of administering the grant program. Although duties can vary from State to State, their primary function is to administer the recreational boating safety program within the State. Every State and territory of the United States has an assigned BLA. The BLA for Virginia is an employee with the Virginia Department of Game and Inland Fisheries.

<sup>39</sup> No changes would be required to any State's systems to facilitate population of the VIS. Data received from the States for inclusion in the VIS would be handled by the Coast Guard contractor

and reformatted as necessary to populate the VIS database. We do not expect States to incur additional costs as the cost is already captured under the existing Coast Guard long-term contract for management and maintenance of the VIS.

<sup>40</sup> Conversation at the Boating Law Administrators Workshop (circa February 28, 2018 to March 1, 2018) with Ms. Eleanor Mariani, Boating Law Administrator, Connecticut, and William Burgess, Compliance Officer, Coast Guard.

TABLE 7—LOADED WAGE FACTOR CALCULATION (2020 DOLLARS)

Personnel category	Data source(s) <sup>1</sup>	Total compensation	Wage & salaries	Loaded wage factor
All Workers, State and Local Government .....	BLS Employer Costs for Employee Compensation, all workers in State and Local Government.	\$51.54	\$29.546	1.74
Managers, State and Local Government .....	BLS Employer Costs for Employee Compensation, Managers in State and Local Government.	64.02	41.02	1.56
Coast Guard Uniform Positions .....	2020 Military Active & Reserve Component Pay Tables <sup>2</sup> .	.....	.....	1.85

<sup>1</sup> A loaded wage rate is what a company pays per hour to employ a person, including the hourly wage and the cost of benefits (health insurance, vacation, etc.). To calculate the load factor, we used the series IDs CMU3019200000000D (for all workers) and CMU3010000100000D (for managers, professions and related occupations) using the multi-screen database. Visit Employer Cost for Employee Compensation: Multi-Screen Data Search: U.S. Bureau of Labor Statistics ([bls.gov](https://www.bls.gov)) and select "State and local government workers". Select "Total Compensation" and "Wages and salaries". Select "All workers" or "Managers, professional, and related occupations". Select "Public Administration". Select "All workers". Select "United States". Select "Cost of Compensation". Select "Not seasonally adjusted". Finally, use values for the 4th Quarter of 2020 to calculate the load factor by dividing total compensation by wages and salaries.

<sup>2</sup> <https://www.dfas.mil/militarymembers/payentitlements/Pay-Tables.html>. Data was posted on December 30, 2019 and web page was last updated January 27, 2020. This page was last viewed on February 20, 2020.

For all provisions with costs to the Government, we use publicly available data found on OPM's website under "Policy, Data, and Oversight" and in the Congressional Budget Office's report, "Comparing the Compensation of Federal and Private-Sector Employees, 2011 to 2015." We estimate labor costs attributed to the Government Coast Guard compliance officers, GS-14 managers, GS-13 computer technicians,

and the Commandant. We estimate the fully loaded labor costs for a GS-13 and GS-14 compliance officer at \$71.03 and \$79.48 respectively.<sup>41</sup> We use a weighted average of the wage rates (\$73.14) for calculations. We estimate the wage rate for a GS-14 manager at \$79.48, the wage rate for a GS-13 computer technician at \$79.48, and the wage rate for the Commandant (O-10) at \$163. This figure represents a loaded

wage rate for uniformed Coast Guard positions.<sup>42</sup>

For positions outside the Coast Guard, we use publicly available data from the BLS Occupational Compensation Survey to estimate wage rates for State and local positions that would be impacted by the proposed rule. We present the estimated wage rates and a summary of the data for the proposed rule in table 8.

TABLE 8—LOADED WAGE CALCULATION  
[2020]

Personnel category	Data source(s) <sup>1</sup>	Mean hourly wage	Load factor	Loaded wage
Computer Developer .....	Software Developers, Applications (OC 15-1256) <sup>2</sup> .....	\$54.94	1.74	\$95.60
Administrative Support .....	Secretaries and Administrative Assistants, Except Legal, Medical, and Executive (OC 43-6014) <sup>3</sup> .	19.43	1.74	33.81
General Manager .....	General and Operations Managers (OC 11-1021) in Management Occupations <sup>4</sup> .	60.45	1.56	94.30
Lawyer .....	Lawyers, Judges, and Related Workers (OC 23-1011) in the Legal Occupations <sup>5</sup> .	71.59	1.74	124.57
Coast Guard Commandant (O-10).	Military Active & Reserve Component Pay Tables <sup>6</sup> .....	88.11	1.85	163
Civilian Computer Technician (GS-13).	OPM Salary Table (2020) .....	42.736	1.66	71.03
Civilian Manager (GS-14) .....	OPM Salary Table (2020) .....	50.49	1.57	79.48
Coast Guard Compliance Officer (GS-13).	OPM Salary Table (2020) .....	42.73	1.66	71.03
Coast Guard Compliance Officer (GS-14).	OPM Salary Table (2020) .....	50.49	1.57	79.48
Coast Guard Compliance Officer (average) <sup>7</sup> .	Weighted average by the formula: [(0.75 × \$71.03 GS-13 Compliance Officers' wage rate) + (0.25 × \$79.48 GS-14 Compliance Officers' wage rate)].	.....	.....	73.14

<sup>1</sup> To calculate the loaded wages, we used Occupational Code 11-1021 (*General and Operations Managers*) for general managers, Occupational Code 43-6014 (*Secretaries, Except Legal, Medical, and Executive*) for clerical, and Occupational Code 15-1256 (*Software Developers and Software Quality Assurance Analysts and Testers*) for computer developer. Please see footnotes of Table 7 for instructions on calculating load factors.

<sup>41</sup> General Schedule (Pay & Leave: Salaries & Wages—OPM.gov). Labor costs calculated by 1) finding hourly wage rate for GS-level under "2020 General Schedule (Base)". Choose Step 5 value. 2) To calculate load factor, we go to <https://www.cbo.gov/system/files/115th-congress-2017-2018/reports/52637-federalprivatepay.pdf>. Use tables 2 and 4. Divide the total compensation by the wages for a Federal employee. Multiply by hourly

wage rate obtained from OPM. GS-13 falls under "Master's Degree" and GS-14 falls under "Professional/Doctorate Degree". For the Master's Degree we end up with a benefits to wage ratio, using this method, of \$74.80/\$45 = 1.66 and for the Professional/Doctoral Degree of \$81.70/\$51.90 = 1.56. Using these to obtain a fully burdened rate, we end up, for the GS-13 labor, \$42.73 × 1.66 = \$

\$71.03 and, for the GS-14 labor, \$50.49 × 1.56 = \$79.48.

<sup>42</sup> The load factor for uniformed positions is based on the Coast Guard's analysis of compensation and benefits of Coast Guard enlisted and commissioned personnel based on data found in <https://www.dfas.mil/militarymembers/payentitlements/Pay-Tables.html>. This page was last viewed on December 20, 2019.

<sup>2</sup> Software Developers and Software Quality Assurance Analysts and Testers (*bls.gov*).

<sup>3</sup> Secretaries and Administrative Assistants, Except Legal, Medical, and Executive (*bls.gov*).

<sup>4</sup> General and Operations Managers (*bls.gov*).

<sup>5</sup> Lawyers (*bls.gov*).

<sup>6</sup> <https://www.dfas.mil/militarymembers/payentitlements/Pay-Tables.html>.

<sup>7</sup> Coast Guard compliance officers consist of GS-13s and GS-14s. There are four Coast Guard employees who would complete this requirement (three GS-13s and one GS-14). To calculate the in-government wage rate, we calculated three-fourths of the GS-13 in-government wage rate (\$71.03) and one-fourth of the GS-14 in-government wage rate (\$79.48) and added them together to estimate a more accurate wage rate for the team that would complete this process.

We estimate the costs in this RA in 2020 dollars based on BLS wage rates. We estimate the total cost for States to

be \$182,607, undiscounted (not including Government costs). We estimate the total Government costs

associated with this proposed rule to be \$14,537. We show the summary of compliance costs in Table 9.

TABLE 9—ESTIMATED COST OF PROPOSED RULE <sup>1</sup>

CFR citation	Task <sup>2</sup>	Cost calculation	Total costs
Costs to Regulated Public (States):			
<i>General Compliance Costs (All States) (See Table 3) (One-time costs for States):</i>			
33 CFR 187 .....	Become familiar with NPRM .....	56 States × (0.5 hour × \$94.30/hour State manager).	\$2,640
33 CFR 187 .....	Review procedures and website .....	56 States × (0.5 hour × 94.30/hour State manager).	2,640
33 CFR 187 .....	Write press release or email .....	56 States × (0.5 hour × 94.30/hour State manager).	2,640
33 CFR 187 .....	Update website. ( <i>Potential cost, not used in analysis</i> ).	56 States × (1 hour × 95.60/hour computer technician).	Not in cost calculations
<i>Subtotal—General Compliance Costs (States).</i>			\$7,921
<i>VIS Compliance Costs (States) (See Table 5) (One-time costs for States):</i>			
33 CFR 187.7 .....	Prepare and submit an MOA .....	18 States × (16 hours × 94.30/hour State manager).	27,158
33 CFR 187.7 .....	Complete New User request form .....	18 States × (0.1 hour × 94.30/hour State manager).	170
33 CFR 187.7 .....	Coordinate with Coast Guard for data transfer. ( <i>Potential cost, but used in analysis</i> ).	18 States × (1 hour × 94.30/hour State manager).	1,697
33 CFR 187.7 .....	Draft legislative language to amend privacy laws.	2 States × [(40 hours × 94.30/hour State manager) + (40 hours × 124.57/hour State attorney)].	17,510
33 CFR 187.7 .....	Put forward and vote on the privacy legislation.	Applies to 2 States .....	Unquantified
<i>Subtotal—VIS Compliance Costs (States).</i>			46,535
<i>UCOTA-V Adoption (Proposed Subpart D) Compliance Costs (States) (See Table 6) (One-time costs for States):</i>			
33 CFR 187.306 .....	Draft UCOTA-V legislative language .....	47 States × [(2 hours × 94.30/hour State manager) + (5 hours × 124.57/hour State attorney)].	38,138
33 CFR 187.306 .....	Put forward and vote on the privacy legislation.	Applies to 47 States .....	Unquantified
33 CFR 187.306 .....	Coordinate with Coast Guard for compliance and certification.	47 States × (0.5 hour × 94.30/hour State manager).	2,216
33 CFR 187.312 .....	Assist with update and convert to compliant system.	47 States × [(0.25 hour × 33.81/hour admin assistant) + (0.75 hour × 94.30/hour State manager)].	3,721
33 CFR 187.312 .....	Oversee update or conversion to compliant system.	47 States × (0.25 hour × 94.30/hour State manager).	1,108
33 CFR 187.312 .....	Update or convert to a compliant system .....	47 States × (12.6 hours × 95.60/hour computer technician).	56,614
33 CFR 187.312 .....	Amend State's computers to comport with UCOTA-V.	7 States × [(2 hours × 95.60/hour computer technician) + (0.25 hour × 94.30/hour State manager)].	1,503

TABLE 9—ESTIMATED COST OF PROPOSED RULE <sup>1</sup>—Continued

CFR citation	Task <sup>2</sup>	Cost calculation	Total costs
33 CFR 187 .....	Update procedures or processes .....	47 States × (5 hours × 94.30/hour State manager).	22,161
33 CFR 187 .....	Post updated procedures on website .....	24 States × [(0.25 hour × 94.30/hour State manager) + (1 hour × 95.60/hour computer technician)].	2,860
<i>Subtotal: UCOTA-V (Proposed Subpart D) Compliance Costs (States).</i>			128,321
<i>Total Cost for Regulated Public (States).</i>			182,607
Federal Government Costs (One-time cost to Government for States affected):			
33 CFR 187.306 .....	Process New User request from States .....	18 States × (0.5 hour × 73.14/hour Compliance Officer).	658
33 CFR 187.306 .....	Process an MOA from States .....	18 States × [(0.2 hour × 163/hour Commandant) + (8.25 hours × 73.14/hour Compliance Officer)].	11,448
33 CFR 187.306 .....	Coordinate with 18 States for VIS .....	18 States × (0.5 hour × 73.14/hour Compliance Officer).	658
33 CFR 187.312 .....	Coordinate with 47 States on UCOTA-V certification.	47 States × (0.5 hour × 73.14/hour Compliance Officer).	1,682
33 CFR 187 .....	Update Coast Guard's website. (Initial year cost).	(1 hour × 71.03/hour computer technician) + (0.25 hour × 79.48/hour Federal manager).	91
<i>Total for Federal Government (Coast Guard).</i>			14,537
<i>Total for Regulated Public and Government.</i>			197,148

<sup>1</sup> Totals may not sum due to rounding. Undiscounted costs appear in the table.

<sup>2</sup> "Potential indirect costs" not included (See Table 2). Unquantified costs included but are not part of cost calculations.

#### Total Costs

Using a 7-percent discount rate, we estimate the total discounted cost of the proposed rule to be \$138,490 (rounded). The total annualized cost at a 7-percent discount rate is \$19,718 (rounded). See table 10.

For the projected cost to the regulated public, the Coast Guard expects all

States would comply within 10 years of this rule. However, we do not have specific information as to the rate of compliance. As such, we assume equal probability for each year; that is, we estimate 10 percent will comply each year for the next 10 years. Given this, the total cost to the regulated public, as shown in the table 9, is \$182,607. This

is \$18,261 (rounded) when averaged across 10 years.

For the cost to the Government, we assume that the \$91 website update will occur in the first year. Subtracting that, we calculate the annual cost over the next 9 years by dividing the total by 10 (\$1,445). The first year cost to Government will be \$1,445 + \$91, which is \$1,536.

TABLE 10—TOTAL ESTIMATED COST OF THE PROPOSED RULE  
[10-year Period of analysis, 7 and 3 percent discount rates \$2020] <sup>1</sup>

Year	Costs to the regulated public (states)			Costs to the government			Total estimated costs		
	Undiscounted	7%	3%	Undiscounted	7%	3%	Undiscounted	7%	3%
1 .....	\$18,261	\$17,066.07	\$17,728.83	\$1,536	\$1,435.51	\$1,491.26	\$19,797	\$18,501.59	\$19,220.10
2 .....	18,261	15,949.60	17,212.46	1,445	1,262.12	1,362.05	19,706	17,211.72	18,574.51
3 .....	18,261	14,906.17	16,711.13	1,445	1,179.55	1,322.38	19,706	16,085.72	18,033.51
4 .....	18,261	13,931.00	16,224.40	1,445	1,102.38	1,283.86	19,706	15,033.38	17,508.26
5 .....	18,261	13,019.63	15,751.84	1,445	1,030.27	1,246.47	19,706	14,049.89	16,998.31
6 .....	18,261	12,167.88	15,293.05	1,445	962.86	1,210.16	19,706	13,130.74	16,503.21
7 .....	18,261	11,371.85	14,847.62	1,445	899.87	1,174.92	19,706	12,271.72	16,022.54
8 .....	18,261	10,627.89	14,415.17	1,445	841.00	1,140.70	19,706	11,468.90	15,555.86
9 .....	18,261	9,932.61	13,995.31	1,445	785.98	1,107.47	19,706	10,718.60	15,102.78
10 .....	18,261	9,282.81	13,587.68	1,445	734.56	1,075.22	19,706	10,017.38	14,662.89
Total .....	182,607.00	128,255.52	155,767.47	14,537.00	10,234.12	12,414.49	197,148.00	138,489.64	168,181.97
Annualized ...	.....	18,260.70	18,260.70	.....	1,457.11	1,455.36	.....	19,717.81	19,716.06

<sup>1</sup> Totals may not sum due to independent rounding.

## Benefits

The proposed rule would amend the Coast Guard's existing regulations (see 33 CFR 187 subpart D, "Guidelines for State Vessel Titling Systems") to better align with UCOTA-V. The proposed rule would encourage uniformity amongst the States through the adoption of the UCOTA-V model, in its entirety or in part, and, as mentioned in the Background section of this NPRM, Section IV, it would follow recommendations by the NBSAC and NASBLA. Although the movement to harmonize State titling laws has existed for some time, not all States have pursued legislation. Some States have chosen to wait for the Coast Guard to pass the UCOTA-V regulation.

The proposal would also promote consumer protection against fraud. A large number of recreational vessels are resold annually. In 2017, there were approximately 981,600 pre-owned vessels sold in the United States.<sup>43</sup> Given this large number, the industry is vulnerable to the types of fraud UCOTA-V is designed to prevent.

The proposed rule would facilitate the procurement of secured loans on vessels. If the Coast Guard does not certify a State titling system, then a State cannot confer preferred mortgage status on a mortgage or security interest for a vessel, which functions as a security measure for financial entities. Many financial institutions require eligible vessels to be documented and to have their preferred mortgages recorded. A preferred mortgage is considered more secure, with less risk to the lender. This places the lender in a position to provide lower interest rates over longer terms to the consumer. In turn, the lender earns more over the term of the loan with less risk. More specifically, the lender would have a lower risk of loans defaulting; therefore, the lender's loan portfolio would provide better returns despite the lower interest rates offered to borrowers.

The consumer would benefit as well. With preferred loans, the borrower would have a loan with better terms. Relative to non-preferred loan, the consumer would pay less per month due to the lower interest rate on preferred loans.

In addition, consistent titling procedures across States would deter the practice of "title washing," whereby after the sale of a damaged vessel for salvage, the buyer makes cosmetic repairs and resells the vessel without

disclosing its previous damage. Recreational boaters may benefit from this proposed rule by being able to assist States and law enforcement in recovering their lost or stolen vessels.

Additionally, we intend the proposed rule to promote maritime security by facilitating State participation in the VIS. After the September 2001 terrorist attacks, a Coast Guard gap analysis showed that law enforcement agencies, including the Coast Guard, lacked the ability to easily and verifiably identify recreational vessels and their owners and operators, especially when a vessel is registered in a State other than that in which the law enforcement agency operates. This inability deprives law enforcement agencies of critical tools for deterring crime and maritime-based terrorism.

Since its inception in 2007, the VIS has remedied this inability by collecting and providing verifiable data for vessels in VIS-participating States. However, 16 States still do not participate in the VIS.<sup>44</sup> Facilitating full VIS participation by these States would enhance maritime security. Because of the high level of interest among the States in aligning their vessel titling systems with UCOTA-V, aligning our subpart D regulations with UCOTA-V would make it easier for States to obtain subpart D certification.

## Alternatives Considered

**Alternative 1—Take no action.** This alternative would allow existing regulations to remain in conflict with State laws and UCOTA-V. For States complying with the existing regulations, this alternative would result in them not receiving the benefits of deterred "title washing," recovery and identification of abandoned vessels, consumer fraud protection, and security measures for financial entities. Participation in the VIS would continue at its current low rate. This alternative would result in no additional costs, as no new regulations would be implemented, but would also result in no benefits, as there would be no changes to current practice. Therefore, we rejected this alternative.

**Alternative 2—This is the preferred alternative.** This alternative would change the guidelines in subpart D so that any State that adopts UCOTA-V and participates in the VIS would be in compliance. This would encourage compliance and participation and provide benefits to States, lenders, and consumers. The cost implications associated with this alternative are specified in the Costs section of this RA and assume 100 percent participation

from all 56 States. The total 7 percent discounted cost over 10 years would be \$176,570. The qualitative benefits would be increased mitigation of fraudulent ownership, the creation of uniformity amongst the States, which will help facilitate transfers of vessel ownership, to deter theft of vessels and aid law enforcement agencies by making recovery of stolen vessels across State lines easier, promote consumer protection, and facilitate making secured loans on vessels. Therefore, this is the preferred alternative.

**Alternative 3—This alternative would repeal existing guidelines for certification of State titling requirements and allow States to regulate vessel titling with no coordination or oversight.** This would remove the ability for States to establish separate programs to enable vessels to gain preferred mortgage status and discourage participation in the VIS. In this scenario, each State would have a unique vessel titling system; this alternative would produce varying costs and benefits, which may be beneficial to the States as they could customize a titling program to meet their specific needs. However, we are unable to estimate the costs due to the number of possibilities offered, and they would occur without coordination or oversight from the Coast Guard. Harmonization of regulations across States would be impossible. As this would not satisfy the goals of this potential regulatory action, we rejected this alternative.

## B. Small Entities

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612) (RFA) and Executive Order 13272 (Consideration of Small Entities in Agency Rulemaking) require a review of proposed and final rules to assess their impacts on small entities. An agency must prepare an initial regulatory flexibility analysis unless it determines and certifies that a rule, if promulgated, would not have a significant impact on a substantial number of small entities.

Under the RFA, we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Based on the analysis above, this proposed rule would affect 56 States and U.S.

<sup>43</sup> <https://www.nmma.org/press/article/21678> ("U.S. Boat Sales Strong Heading into 2018, Poised for Another Year of Growth," January 9, 2018). Accessed and last viewed on December 26, 2019.

<sup>44</sup> As of January 21, 2020.

territories.<sup>45</sup> All governmental jurisdictions that would potentially be directly regulated by this rule have populations greater than 50,000. These entities are not considered to be small entities based on the Small Business Administration's definition of what is a small governmental jurisdiction.<sup>46</sup> Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment to docket at the address in the **ADDRESSES** section of this preamble. In your comment, explain why you think it qualifies and how and to what degree this rule would economically affect it.

#### C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

#### D. Collection of Information

This proposed rule would require a modification of an existing collection of information under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501–3520. As defined in 5 CFR 1320.3(c), “collection of information” comprises reporting, recordkeeping, monitoring, posting, labeling, and other similar actions. The title and description of the information collection, a description of those who must collect the information, and an estimate of the total annual burden follow. The estimate covers the time for

reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

*Title:* Vessel Identification System.

*OMB Control Number:* 1625–0070.

*Summary of the Collection of*

*Information:* Public Law 100–710 (46 U.S.C. 12501) requires the establishment of a nationwide vessel identification system (VIS). The VIS provides participating States with access to data of vessels numbered by States. States voluntarily provide the VIS data. The States, boating public, and law enforcement would be the primary beneficiaries. To become part of the VIS, States must submit a Memorandum of Agreement (MOA) to the Coast Guard.

*Need for Information:* The VIS collects State-numbered vessel identification and ownership data and provides that data to law enforcement agencies in the States that choose to participate in the VIS. Participation in the VIS is entirely voluntary. In order to participate, States must comply with certain requirements to ensure the integrity and uniformity of the information provided to the VIS.

*Proposed Use of Information:* The Coast Guard would use this information to track vessel information and facilitate the recovery of stolen or missing vessels.

*Description of the Respondents:* The 50 States, District of Columbia, and 5 territories. The Coast Guard describes these as “56 States.”

*Number of Respondents:* As a result of the proposal, the Coast Guard anticipates that there would be two additional States joining the VIS annually until all States join. Over a 10 year period, this proposed rule would increase the number of respondents from 38 States to 56 States.

*Frequency of Response:* The number of responses per year of this proposed rule would vary by participating States. New MOA applications, VIS user requests, and VIS data uploads are required with the initial MOA application process. For existing participants, VIS user requests and VIS data uploads are required. Based on the current collection of VIS information data, the Coast Guard anticipates that each new participant will submit an MOA application once, a VIS user request once a year, and upload VIS data every 2 weeks.

*Burden of Response:* The burden of response includes three components—MOA applications, VIS data uploads, and VIS user requests. The burden for an MOA application, VIS data upload and VIS new user request form are: 16

hours, 0.6 hour, and 0.1 hour, respectively. An MOA application and a VIS new user request form would be prepared by a manager. A computer technician would handle the VIS data upload.

*Estimate of Total Annual Burden:*

This proposed rule would require additional hours for VIS data uploads (32 hours annually),<sup>47</sup> MOAs (32 hours annually), and VIS user requests (1 hour annually).<sup>48</sup> The proposed rule would increase the total burden by 64 hours (rounded from the actual 63.3 hours), from 5,792 hours to 5,856 hours.<sup>49</sup>

As required by 44 U.S.C. 3507(d), we will submit a copy of this proposed rule to OMB for its review of the collection of information.

We ask for public comment on the proposed collection of information to help us determine, among other things:

- (1) How useful the information is;
- (2) Whether it can help us perform our functions better;
- (3) Whether it is readily available elsewhere;
- (4) How accurate our estimate of the burden of collection is;
- (5) How valid our methods for determining burden are;
- (6) How we can improve the quality, usefulness, and clarity of the information; and
- (7) How we can minimize the burden of collection.

If you submit comments on the collection of information, submit them to both the OMB and to the docket where indicated under **ADDRESSES**.

You need not respond to a collection of information unless it displays a currently valid control number from OMB. Before the Coast Guard could enforce the collection of information requirements in this proposed rule, OMB would need to approve the Coast Guard's request to collect this information.

#### E. Federalism

A rule has implications for federalism under Executive Order 13132 (Federalism) if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under Executive Order 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. Our analysis follows.

<sup>47</sup> Rounded from the actual 31.2 hours.

<sup>48</sup> Rounded from the actual 0.2 hour.

<sup>49</sup> Rounded from the actual 5,855.3 hours.

<sup>45</sup> See 46 U.S.C. 123. The only issuing authorities are the 56 States. Tribal governments are excluded legally as authorities from numbering and titling vessels.

<sup>46</sup> Small governmental jurisdictions are defined as governments of cities, counties, towns, townships, villages, school districts, or special districts with a population of less than 50,000.

The purpose of this rulemaking is to revise Coast Guard requirements for State participation in the Coast Guard-maintained VIS and guidelines for State vessel titling systems. The Coast Guard is mandated to establish and maintain the VIS, but State participation in the VIS is voluntary. Nothing in this proposed rule would require States to participate in the VIS. However, once electing to participate in the VIS, a State must comply with the VIS requirements to ensure integrity and uniformity of information. Likewise, requesting certification that a State vessel titling system complies with the guidelines is also voluntary, but such a system must comply with subpart D for voluntary certification. This proposed rule would not require States to request certification, change their existing titling systems, or otherwise preempt related State regulations. Therefore, the proposed rule is consistent with the principles of federalism and preemption requirements in Executive Order 13132.

While it is well settled that States may not regulate in categories in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, the Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with federalism implications and preemptive effect, Executive Order 13132 specifically directs agencies to consult with State and local governments during the rulemaking process. If you believe this proposed rule has implications for federalism under Executive Order 13132, please contact the person listed in the **FOR FURTHER INFORMATION** section of this preamble.

#### *F. Unfunded Mandates Reform Act*

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Although this proposed rule would not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

#### *G. Taking of Private Property*

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with

Constitutionally Protected Property Rights).

#### *H. Civil Justice Reform*

This proposed rule meets applicable standards in sections 3(a) and 3(b) (2) of Executive Order 12988, (Civil Justice Reform), to minimize litigation, eliminate ambiguity, and reduce burden.

#### *I. Protection of Children*

We have analyzed this proposed rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This proposed rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

#### *J. Indian Tribal Governments*

This proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### *K. Energy Effects*

We have analyzed this proposed rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

#### *L. Technical Standards*

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did

not consider the use of voluntary consensus standards.

#### *M. Environment*

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

This proposed rule would be categorically excluded under paragraphs L54 and L57 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. Paragraph L54 pertains to regulations which are editorial or procedural and L57 pertains to regulations concerning documentation of vessels. This proposed rule involves changes to regulations for certifying a State's titling system for undocumented vessels. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### **List of Subjects in 33 CFR Part 187**

Administrative practice and procedure, Marine safety, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 187 as follows:

#### **PART 187—VESSEL IDENTIFICATION SYSTEM**

- 1. Revise the authority citation for part 187 to read as follows:

**Authority:** 46 U.S.C. 2103, 12501, 31322; Department of Homeland Security Delegation No. 0170.1(92).

- 2. Revise § 187.7 to read as follows:

##### **§ 187.7 Definitions.**

As used in this part—

*Approved numbering system* means a numbering system approved by the Secretary of Homeland Security under 46 U.S.C. Chapter 123.

*Barge* means a vessel that is not self-propelled or fitted for propulsion by sail, paddle, oar, or similar device.



*Builder's certificate* means a certificate of the facts of build of a vessel described in 46 CFR 67.99.

*Buyer* means a person who buys or contracts to buy a vessel.

*Cancel*, with respect to a certificate of title, means to make the certificate ineffective.

*Certificate of documentation* means Coast Guard Form CG-1270.

*Certificate of origin* means a record created by a manufacturer or importer as the manufacturer's or importer's proof of identity of a vessel, and includes a manufacturer's certificate or statement of origin and an importer's certificate or statement of origin, but excludes a builder's certificate.

*Certificate of ownership* means Coast Guard Form CG-1330.

*Certificate of title* means a record, created by the office or by a governmental agency of another State under the law of that State, which is designated as a certificate of title by the office or agency and is evidence of ownership of a vessel.

*Commandant* means the Commandant of the U.S. Coast Guard or an authorized representative of the Commandant of the U.S. Coast Guard.

*Dealer* means a person, including a manufacturer, in the business of selling vessels.

*Documented vessel* means a vessel covered by a certificate of documentation issued pursuant to 46 U.S.C. Section 12105, and excludes a foreign-documented vessel.

*Electronic* means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

*Electronic certificate of title* means a certificate of title consisting of information that is stored solely in an electronic medium and is retrievable in perceivable form.

*Foreign-documented vessel* means a vessel the ownership of which is recorded in a registry maintained by a country other than the United States, identifying each person having an ownership interest in a vessel, and includes a unique alphanumeric designation for the vessel.

*Good faith* means honesty in fact and the observance of reasonable commercial standards of fair dealing.

*Hull damaged* means compromised with respect to the integrity of a vessel's hull by a collision, allision, lightning strike, fire, explosion, running aground, or similar occurrence, or the sinking of a vessel in a manner that creates a significant risk to the integrity of the vessel's hull.

*Hull identification number* or *HIN* means the alphanumeric designation

assigned to a vessel under subpart C of 33 CFR part 181.

*Issuing authority* means either a State that has an approved numbering system or the Coast Guard in a State that does not have an approved numbering system.

*Lien creditor*, with respect to a vessel, means—

(1) A creditor that has acquired a lien on the vessel by attachment, levy, or the like;

(2) An assignee for benefit of creditors from the time of assignment;

(3) A trustee in bankruptcy from the date of the filing of the petition; or

(4) A receiver in equity from the time of appointment.

*Manufacturer* means any person engaged in the business of manufacturing or importing new vessels for the purpose of sale or trade.

*Office* means the State department or agency that creates certificates of title.

*Owner* means a person having legal title to a vessel.

*Owner of record* means the owner indicated in the files of the Office or, if the files indicate more than one owner, the one first indicated.

*Participating State* means a State certified by the Commandant as meeting the requirements of subpart C of this part.

*Person* means an individual or any form of legal or commercial entity.

*Purchase* means to take by any voluntary transaction that creates an interest in a vessel.

*Purchaser* means a person taking by purchase.

*Record* means information inscribed on a tangible medium or stored in an electronic or other medium and is retrievable in perceivable form.

*Secured party*, with respect to a vessel, means a person—

(1) In whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(2) Who is a consignor under State law as prescribed by State law related to security interests in goods; or

(3) Who holds a security interest arising under State law related to security interests in goods.

*Secured party of record* means the secured party whose name is indicated as the name of the secured party in the files of the office or, if the files indicate more than one secured party, the one first indicated.

*Security interest* means an interest in a vessel that secures payment or performance of an obligation if the interest is created by contract or otherwise as prescribed by state law related to security interests in goods.

*Sign* means, with present intent to authenticate or adopt a record, to—

(1) Make or adopt a tangible symbol; or

(2) Attach to or logically associate with the record an electronic symbol, sound, or process.

*State* means a State of the United States, the District of Columbia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, U.S. Virgin Islands, and any other territory or possession of the United States.

*State of principal operation* means the State on whose waters a vessel is or will be used, operated, navigated, or employed more than on the waters of any other State during a calendar year.

*Title brand* means a designation of previous damage, use, or condition that must be indicated on a certificate of title.

*Titled vessel* means a vessel titled by a State.

*Titling authority* means a State whose vessel titling system has been certified by the Commandant under subpart D of this part.

*Transfer of ownership* means a voluntary or involuntary conveyance of an interest in a vessel.

*Vessel* means every description of watercraft used or capable of being used as a means of transportation on water, except—

(1) A seaplane;

(2) An amphibious vehicle for which a certificate of title is issued pursuant to a state's motor vehicle certificate of title act or a similar statute of another state;

(3) Watercraft that operate only on a permanently fixed, manufactured course and the movement of which is restricted to or guided by means of a mechanical device to which the watercraft is attached or by which the watercraft is controlled;

(4) A stationary floating structure that—

(i) Does not have and is not designed to have a mode of propulsion of its own;

(ii) Is dependent for utilities upon a continuous utility hookup to a source originating on shore; and

(iii) Has a permanent, continuous hookup to a shore side sewage system.

(5) Watercraft owned by the United States, a State, or a foreign government or a political subdivision of any of them; and

(6) Watercraft used solely as a lifeboat on another watercraft.

*Vessel Identification System* or *VIS* means a system for collecting information on vessels and vessel ownership as required by 46 U.S.C. 12501.

*Vessel number* means the alphanumeric designation for a vessel issued pursuant to 46 U.S.C. 12301.

*Written certificate of title* means a certificate of title consisting of information inscribed on a tangible medium.

■ 3. Revise subpart D, consisting of §§ 187.301 through 187.325, to read as follows:

#### **Subpart D—State Vessel Titling Systems**

Sec.

- 187.301 Certification for preferred mortgage status—Eligibility requirements.
- 187.302 Terms States must define.
- 187.303 Applicability.
- 187.304 Titling exclusively in one State.
- 187.305 Law governing vessel covered by certificate of title.
- 187.306 Certificate of title required.
- 187.307 Application for certificate of title.
- 187.308 Creation and cancellation of certificate of title.
- 187.309 Content of certificate of title.
- 187.310 Title brand.
- 187.311 Maintenance of and access to files.
- 187.312 Action required on creation of certificate of title.
- 187.313 Effect of certificate of title.
- 187.314 Effect of possession of certificate of title; judicial process.
- 187.315 Perfection of security interest.
- 187.316 Termination statement.
- 187.317 Transfer of ownership.
- 187.318 Effect of missing or incorrect information.
- 187.319 Transfer of ownership by secured party's transfer statement.
- 187.320 Transfer by operation of law.
- 187.321 Application for transfer of ownership or termination of security interest without certificate of title.
- 187.322 Replacement certificate of title.
- 187.323 Rights of purchaser other than secured party.
- 187.324 Rights of secured party.
- 187.325 Duties and operation of office.

#### **Subpart D—State Vessel Titling Systems**

##### **§ 187.301 Certification for preferred mortgage status—Eligibility requirements.**

The Commandant, under 46 U.S.C. 31322(d)(1)(A) and 33 CFR 187.13, will certify a State whose vessel titling system meets the requirements of this subpart as eligible to have security interests that are perfected under its law deemed preferred mortgages under 46 U.S.C. 31322. The State must also comply with the VIS participation requirements of 33 CFR 187.11 and subpart C of this part and make vessel information it collects available to the VIS.

##### **§ 187.302 Terms States must define.**

(a) A State must define the terms “certificate of origin”, “dealer”, “documented vessel”, “issuing authority”, “manufacturer”, “owner”, “person”, “secured party”, “security interest”, “titling authority”, and “vessel” substantially as defined in 33 CFR 187.7.

(b) In addition to the definitions in 33 CFR 187.7, a State must also define the following terms as prescribed by State law related to security interests in goods:

- (1) *Agreement*;
- (2) *Buyer in ordinary course of business*;
- (3) *Conspicuous*;
- (4) *Consumer goods*;
- (5) *Debtor*;
- (6) *Knowledge*;
- (7) *Lease*;
- (8) *Lessor*;
- (9) *Notice*;
- (10) *Representative*;
- (11) *Sale*;
- (12) *Security agreement*;
- (13) *Seller*;
- (14) *Send*; and
- (15) *Value*.

(c) The definitions in 33 CFR 187.7 and paragraph (b) of this section do not apply to any State or Federal law governing licensing, numbering, or registration if the same term is used in that law.

##### **§ 187.303 Applicability.**

Subject to a savings clause provided under state law, this subpart applies to any transaction, certificate of title, or record relating to a vessel, even if the transaction, certificate of title, or record was entered into or created before the effective date of the state law.

##### **§ 187.304 Titling exclusively in one State.**

A State must require that all vessels required to be numbered in the State under 46 U.S.C. Chapter 123 be titled only in that State, if that State issues titles to that class of vessels.

##### **§ 187.305 Law governing vessel covered by certificate of title.**

(a) The local law of the State under whose certificate of title a vessel is covered governs all issues relating to the certificate from the time the vessel becomes covered by the certificate until the vessel becomes covered by another certificate or becomes a documented vessel, even if no other relationship exists between the State and the vessel or its owner.

(b) A vessel becomes covered by a certificate of title when an application for the certificate and the applicable fee are delivered to the office in accordance with this subpart or to the governmental agency that creates a certificate in another jurisdiction in accordance with the law of that jurisdiction.

##### **§ 187.306 Certificate of title required.**

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, the owner of a vessel must deliver to the office of the State in which the vessel is

principally used an application for a certificate of title for the vessel, with the applicable fee, not later than 20 days after the later of—

- (1) The date of a transfer of ownership; or
  - (2) The date the State becomes the State of principal use.
- (b) An application for a certificate of title is not required for—
- (1) A documented vessel;
  - (2) A foreign-documented vessel;
  - (3) A barge;
  - (4) A vessel before delivery if the vessel is under construction or completed pursuant to contract; or
  - (5) A vessel held by a dealer for sale or lease.

(c) The office may not issue, transfer, or renew a certificate of number for a vessel issued pursuant to 46 U.S.C. 12301 unless it has created a certificate of title for the vessel or an application for a certificate for the vessel and the applicable fee have been delivered to the office.

##### **§ 187.307 Application for certificate of title.**

(a) Except as otherwise provided in §§ 187.310, 187.315, 187.319, 187.320, 187.321, and 187.322, only an owner may apply for a certificate of title.

(b) An application for a certificate of title must be signed by the applicant and contain—

- (1) The applicant's name, the street address of the applicant's principal residence, and, if different, the applicant's mailing address;
- (2) The name and mailing address of each other owner of the vessel;
- (3) The social security number or taxpayer identification number of each owner;
- (4) The hull identification number (HIN) for the vessel or, if none, an application for the issuance of a HIN for the vessel;
- (5) The vessel number for the vessel or, if none issued by the office, an application for a vessel number;
- (6) A description of the vessel as required by the office, which must include—

- (i) The official number for the vessel, if any, assigned by the Coast Guard;
- (ii) The name of the manufacturer, builder, or maker;
- (iii) The model year or the year in which the manufacture or build of the vessel was completed;
- (iv) The overall length of the vessel;
- (v) The vessel type, as described in 33 CFR 174.19;
- (vi) The hull material, as described in 33 CFR 174.19;
- (vii) The propulsion type, as described in 33 CFR 174.19;
- (viii) The engine drive type, as described in 33 CFR 174.19, if any; and

(ix) The fuel type, as described in 33 CFR 174.19, if any;

(7) An indication of all security interests in the vessel known to the applicant and the name and mailing address of each secured party;

(8) A statement that the vessel is not a documented vessel or a foreign-documented vessel;

(9) Any title brand known to the applicant and, if known, the jurisdiction under whose law the title brand was created;

(10) If the applicant knows that the vessel is hull damaged, a statement that the vessel is hull damaged;

(11) If the application is made in connection with a transfer of ownership, the transferor's name, street address, and, if different, mailing address, the sales price, if any, and the date of the transfer; and

(12) If the vessel was previously registered or titled in another jurisdiction, a statement identifying each jurisdiction known to the applicant in which the vessel was registered or titled.

(c) In addition to the information required by paragraph (b) of this section, an application for a certificate of title may contain an electronic communication address of the owner, transferor, or secured party.

(d) Except as otherwise provided in §§ 187.319, 187.320, 187.321, and 187.322, an application for a certificate of title must be accompanied by a certificate of title signed by the owner shown on the certificate which identifies the applicant as the owner of the vessel, or is accompanied by a record that identifies the applicant as the owner.

(e) If there is no certificate of title as discussed in paragraph (d) of this section, an application for a certificate of title must be accompanied by—

(1) If the vessel was a documented vessel, a record issued by the Coast Guard that shows the vessel is no longer a documented vessel and identifies the applicant as the owner;

(2) If the vessel was a foreign-documented vessel, a record issued by the foreign country which shows the vessel is no longer a foreign-documented vessel and identifies the applicant as the owner; or

(3) In all other cases, a certificate of origin, bill of sale, or other record that to the satisfaction of the office identifies the applicant as the owner.

(f) A record submitted in connection with an application is part of the application and the office must maintain it in its files.

(g) The office may require an application for a certificate of title to be

accompanied by payment or evidence of payment of all fees and taxes payable by the applicant under State law if in connection with the application or the acquisition or use of the vessel.

#### **§ 187.308 Creation and cancellation of certificate of title.**

(a) Unless an application for a certificate of title is rejected under paragraph (c) or (d) of this section, the office must create a certificate for the vessel in accordance with paragraph (b) of this section not later than 20 days after delivery to it of an application that complies with 33 CFR 187.307.

(b) If the office creates electronic certificates of title, it must create an electronic certificate unless in the application the secured party of record or, if none, the owner of record, requests that the office create a written certificate.

(c) Except as otherwise provided in paragraph (d) of this section, the office may reject an application for a certificate of title only if—

(1) The application does not comply with 33 CFR 187.307;

(2) The application does not contain documentation sufficient for the office to determine whether the applicant is entitled to a certificate;

(3) There is a reasonable basis for concluding that the application is fraudulent or issuance of a certificate would facilitate a fraudulent or illegal act; or

(4) The application does not comply with State law.

(d) The office must reject an application for a certificate of title for a vessel that is a documented vessel or a foreign-documented vessel.

(e) The office may cancel a certificate of title created by it only if the office—

(1) Could have rejected the application for the certificate under paragraph (c) of this section;

(2) Is required to cancel the certificate under another provision of this subpart; or

(3) Receives satisfactory evidence that the vessel is a documented vessel or a foreign-documented vessel.

#### **§ 187.309 Content of certificate of title.**

(a) A certificate of title must contain—

(1) The date the certificate was created;

(2) The name of the owner of record and, if not all owners are listed, an indication that there are additional owners indicated in the files of the office;

(3) The mailing address of the owner of record;

(4) The hull identification number (HIN);

(5) The information listed in § 187.307(b)(6);

(6) Except as otherwise provided in § 187.315(b), the name and mailing address of the secured party of record, if any, and if not all secured parties are listed, an indication that there are other security interests indicated in the files of the office; and

(7) All title brands indicated in the files of the office covering the vessel, including brands indicated on a certificate created by a governmental agency of another jurisdiction and delivered to the office.

(b) This subpart does not preclude the office from noting on a certificate of title the name and mailing address of a secured party that is not a secured party of record.

(c) For each title brand indicated on a certificate of title, the certificate must identify the jurisdiction under whose law the title brand was created or the jurisdiction that created the certificate on which the title brand was indicated. If the meaning of a title brand is not easily ascertainable or cannot be accommodated on the certificate, the certificate may state: "Previously branded in (insert the jurisdiction under whose law the title brand was created or whose certificate of title previously indicated the title brand)."

(d) If the files of the office indicate that a vessel was previously registered or titled in a foreign country, the office must indicate on the certificate of title that the vessel was registered or titled in that country.

(e) A written certificate of title must contain a form that all owners indicated on the certificate may sign to evidence consent to a transfer of an ownership interest to another person. The form must include a certification, signed under penalty of perjury, that the statements made are true and correct to the best of each owner's knowledge, information, and belief.

(f) A written certificate of title must contain a form for the owner of record to indicate, in connection with a transfer of an ownership interest, that the vessel is hull damaged.

#### **§ 187.310 Title brand.**

(a) Unless paragraph (c) of this section applies, at or before the time the owner of record transfers an ownership interest in a hull-damaged vessel that is covered by a certificate of title created by the office, if the damage occurred while that person was an owner of the vessel and the person has notice of the damage at the time of the transfer, the owner must—

(1) Deliver to the office an application for a new certificate that complies with

§ 187.307 of this part and includes the title brand designation “Hull Damaged”; or

(2) Indicate on the certificate in the place designated for that purpose that the vessel is hull damaged and deliver the certificate to the transferee.

(b) Not later than 20 days after delivery to the office of the application under paragraph (a)(1) of this section or the certificate of title under paragraph (a)(2) of this section, the office must create a new certificate that indicates that the vessel is branded “Hull Damaged”.

(c) Before an insurer transfers an ownership interest in a hull-damaged vessel that is covered by a certificate of title created by the office, the insurer must deliver to the office an application for a new certificate that complies with § 187.306 and includes the title brand designation “Hull Damaged”. Not later than 20 days after delivery of the application to the office, the office must create a new certificate that indicates that the vessel is branded “Hull Damaged”.

(d) An owner of record who fails to comply with paragraph (a) of this section, a person who solicits or colludes in a failure by an owner of record to comply with paragraph (a), or an insurer that fails to comply with paragraph (c) of this section is subject to penalty as prescribed by state law.

#### **§ 187.311 Maintenance of and access to files.**

(a) For each record relating to a certificate of title submitted to the office, the office must—

(1) Ascertain or assign the hull identification number (HIN) for the vessel in accordance with 33 CFR part 181;

(2) Maintain the HIN and all the information submitted with the application pursuant to § 187.307(b) to which the record relates, including the date and time the record was delivered to the office;

(3) Maintain the files for public inspection subject to paragraph (e) of this section; and

(4) Index the files of the office as required by paragraph (b) of this section.

(b) The office must maintain in its files the information contained in all certificates of title created under this subpart. The information in the files of the office must be searchable by the HIN of the vessel, the vessel number, the name of the owner of record, and any other method used by the office.

(c) The office must maintain in its files, for each vessel for which it has created a certificate of title, all title brands known to the office, the name of

each secured party known to the office, the name of each person known to the office to be claiming an ownership interest, and all stolen-property reports the office has received.

(d) Upon request, for safety, security, or law-enforcement purposes, the office must provide to Federal, State, or local government the information in its files relating to any vessel for which the office has issued a certificate of title.

(e) Except as otherwise provided by laws of the titling State, the information required under § 187.309 is a public record, but the information provided under § 187.307(b)(3) is not a public record.

#### **§ 187.312 Action required on creation of certificate of title.**

(a) On creation of a written certificate of title, the office must promptly send the certificate to the secured party of record or, if none, to the owner of record, at the address indicated for that person in the files of the office. On creation of an electronic certificate of title, the office must promptly send a record evidencing the certificate to the owner of record and, if there is one, to the secured party of record, at the address indicated for that person in the files of the office. The office may send the record to the person’s mailing address or, if indicated in the files of the office, an electronic address.

(b) If the office creates a written certificate of title, any electronic certificate of title for the vessel is canceled and replaced by the written certificate. The office must maintain in the files of the office the date and time of cancellation.

(c) Before the office creates an electronic certificate of title, any written certificate for the vessel must be surrendered to the office. If the office creates an electronic certificate, the office must destroy or otherwise cancel the written certificate for the vessel that has been surrendered to the office and maintain in the files of the office the date and time of destruction or other cancellation. If a written certificate being canceled is not destroyed, the office must indicate on the face of the certificate that it has been canceled.

#### **§ 187.313 Effect of certificate of title.**

A certificate of title is *prima facie* evidence of the accuracy of the information in the record that constitutes the certificate.

#### **§ 187.314 Effect of possession of certificate of title; judicial process.**

Possession of a certificate of title does not by itself provide a right to obtain possession of a vessel. Garnishment,

attachment, levy, replevin, or other judicial process against the certificate is not effective to determine possessory rights to the vessel. This subpart does not prohibit enforcement under State law, other than this subpart (33 CFR part 187 subpart D), of a security interest in, levy on, or foreclosure of a statutory or common-law lien on a vessel. Absence of an indication of a statutory or common-law lien on a certificate does not invalidate the lien.

#### **§ 187.315 Perfection of security interest.**

(a) Except as otherwise provided in this section or a savings clause provided under state law, a security interest in a vessel may be perfected only by delivery to the office of an application for a certificate of title that identifies the secured party and otherwise complies with 33 CFR 187.307. The security interest is perfected on the later of delivery to the office of the application and the applicable fee or attachment of the security interest as prescribed by State law related to security interests in goods.

(b) If the interest of a person named as owner, lessor, consignee, or bailor in an application for a certificate of title delivered to the office is a security interest, the application sufficiently identifies the person as a secured party. Identification on the application for a certificate of a person as owner, lessor, consignee, or bailor is not by itself a factor in determining whether the person’s interest is a security interest.

(c) If the office has created a certificate of title for a vessel, a security interest in the vessel may be perfected by delivery to the office of an application, on a form the office may require, to have the security interest added to the certificate. The application must be signed by an owner of the vessel or by the secured party and must include—

- (1) The name of the owner of record;
- (2) The name and mailing address of the secured party;
- (3) The hull identification number for the vessel; and
- (4) If the office has created a written certificate of title for the vessel, the certificate.

(d) A security interest perfected under paragraph (c) of this section is perfected on the later of delivery to the office of the application and all applicable fees or attachment of the security interest as prescribed by State law related to security interests in goods.

(e) On delivery of an application that complies with paragraph (c) of this section and payment of all applicable fees, the office must create a new certificate of title pursuant to 33 CFR

187.308 and deliver the new certificate or a record evidencing an electronic certificate pursuant to 33 CFR 187.312(a). The office must maintain in the files of the office the date and time of delivery of the application to the office.

(f) If a secured party assigns a perfected security interest in a vessel, the receipt by the office of a statement providing the name of the assignee as secured party is not required to continue the perfected status of the security interest against creditors of and transferees from the original debtor. Upon obtaining a release from the secured party indicated in the files of the office or on the certificate, a purchaser of a vessel subject to a security interest takes free of the security interest and of the rights of a transferee unless the transfer is indicated in the files of the office or on the certificate.

(g) This section does not apply to a security interest—

(1) Created in a vessel by a person during any period in which the vessel is inventory held for sale or lease by the person or is leased by the person as lessor if the person is in the business of selling vessels;

(2) In a barge for which no application for a certificate of title has been delivered to the office; or

(3) In a vessel before delivery if the vessel is under construction, or completed, pursuant to contract and for which no application for a certificate has been delivered to the office.

(h) This paragraph applies if a certificate of documentation for a documented vessel is deleted or canceled. If a security interest in the vessel was valid immediately before deletion or cancellation against a third party as a result of compliance with 42 U.S.C. 31321, the security interest is and remains perfected until the earlier of 4 months after cancellation of the certificate or the time the security interest becomes perfected under this subpart.

(i) A security interest in a vessel arising under State law related to security interests in goods is perfected when it attaches but becomes unperfected when the debtor obtains possession of the vessel, unless before the debtor obtains possession the security interest is perfected pursuant to paragraph (a) or (c) of this section.

(j) A security interest in a vessel as proceeds of other collateral is perfected to the extent provided in State law.

(k) A security interest in a vessel perfected under the law of another jurisdiction is perfected to the extent provided in State law.

#### **§ 187.316 Termination statement.**

(a) A secured party indicated in the files of the office as having a security interest in a vessel must deliver a termination statement to the office and, on the debtor's request, to the debtor, by the earlier of—

(1) Twenty days after the secured party receives a signed demand from an owner for a termination statement and there is no obligation secured by the vessel subject to the security interest and no commitment to make an advance, incur an obligation, or otherwise give value secured by the vessel; or

(2) If the vessel is consumer goods, 30 days after there is no obligation secured by the vessel and no commitment to make an advance, incur an obligation, or otherwise give value secured by the vessel.

(b) If a written certificate of title has been created and delivered to a secured party and a termination statement is required under paragraph (a) of this section, the secured party, not later than the date required by paragraph (a), must deliver the certificate to the debtor or to the office with the statement. If the certificate is lost, stolen, mutilated, destroyed, or is otherwise unavailable or illegible, the secured party must deliver with the statement, not later than the date required by paragraph (a), an application for a replacement certificate meeting the requirements of 33 CFR 187.322.

(c) On delivery to the office of a termination statement authorized by the secured party, the security interest to which the statement relates ceases to be perfected. If the security interest to which the statement relates was indicated on the certificate of title, the office must create a new certificate and deliver the new certificate or a record evidencing an electronic certificate. The office must maintain in its files the date and time of delivery to the office of the statement.

(d) A secured party that fails to comply with this section is liable for any loss that the secured party had reason to know might result from its failure to comply and which could not reasonably have been prevented and for the cost of an application for a certificate of title under 33 CFR 187.307 or 187.322.

#### **§ 187.317 Transfer of ownership.**

(a) On voluntary transfer of an ownership interest in a vessel covered by a certificate of title, the following rules apply:

(1) If the certificate is a written certificate of title and the transferor's interest is noted on the certificate, the

transferor must promptly sign the certificate and deliver it to the transferee. If the transferor does not have possession of the certificate, the person in possession of the certificate has a duty to facilitate the transferor's compliance with this paragraph. A secured party does not have a duty to facilitate the transferor's compliance with this paragraph if the proposed transfer is prohibited by the security agreement.

(2) If the certificate of title is an electronic certificate of title, the transferor must promptly sign and deliver to the transferee a record evidencing the transfer of ownership to the transferee.

(3) The transferee has a right enforceable by specific performance to require the transferor comply with paragraph (a)(1) or (2) of this section.

(b) The creation of a certificate of title identifying the transferee as owner of record satisfies paragraph (a) of this section.

(c) A failure to comply with paragraph (a) of this section or to apply for a new certificate of title does not render a transfer of ownership of a vessel ineffective between the parties. Except as otherwise provided in 33 CFR 187.318, 187.319, 187.323(a), or 187.324, a transfer of ownership without compliance with paragraph (a) of this section is not effective against another person claiming an interest in the vessel.

(d) A transferor that complies with paragraph (a) of this section is not liable as owner of the vessel for an event occurring after the transfer, regardless of whether the transferee applies for a new certificate of title.

#### **§ 187.318 Effect of missing or incorrect information.**

Except as otherwise provided as prescribed by State law related to security interests in goods, a certificate of title or other record required or authorized by this subpart is effective even if it contains incorrect information or does not contain required information.

#### **§ 187.319 Transfer of ownership by secured party's transfer statement.**

(a) In this section, "secured party's transfer statement" means a record signed by the secured party of record stating—

(1) That there has been a default on an obligation secured by the vessel;

(2) The secured party of record is exercising or has exercised post-default remedies with respect to the vessel;

(3) By reason of the exercise, the secured party of record has the right to

transfer the ownership interest of an owner, and the name of the owner;

(4) The name and last known mailing address of the owner of record and the secured party of record;

(5) The name of the transferee;

(6) Other information required by 33 CFR 187.307(b); and

(7) One of the following:

(i) The certificate of title is an electronic certificate;

(ii) The secured party does not have possession of the written certificate of title created in the name of the owner of record; or

(iii) The secured party is delivering the written certificate of title to the office with the secured party's transfer statement.

(b) Unless the office rejects a secured party's transfer statement for a reason stated in 33 CFR 187.308(c), not later than 20 days after delivery to the office of the statement and payment of fees and taxes payable under State law in connection with the statement or the acquisition or use of the vessel, the office must—

(1) Accept the statement;

(2) Amend the files of the office to reflect the transfer; and

(3) If the name of the owner whose ownership interest is being transferred is indicated on the certificate of title—

(i) Cancel the certificate even if the certificate has not been delivered to the office;

(ii) Create a new certificate indicating the transferee as owner; and

(iii) Deliver the new certificate or a record evidencing an electronic certificate.

(c) An application under paragraph (a) of this section or the creation of a certificate of title under paragraph (b) of this section is not by itself a disposition of the vessel and does not by itself relieve the secured party of its duties under State law.

#### **§ 187.320 Transfer by operation of law.**

(a) In this section—

(1) “By operation of law” means pursuant to a law or judicial order affecting ownership of a vessel—

(i) Because of death, divorce or other family law proceeding, merger, consolidation, dissolution, or bankruptcy;

(ii) Through the exercise of the rights of a lien creditor or a person having a lien created by statute or rule of law; or

(iii) Through other legal process.

(2) “Transfer-by-law statement” means a record signed by a transferee stating that by operation of law the transferee has acquired or has the right to acquire an ownership interest in a vessel.

(b) A transfer-by-law statement must contain—

(1) The name and last known mailing address of the owner of record and the transferee and the other information required by 33 CFR 187.307(b);

(2) Documentation sufficient to establish the transferee's ownership interest or right to acquire the ownership interest;

(3) A statement that—

(i) The certificate of title is an electronic certificate of title;

(ii) The transferee does not have possession of the written certificate of title created in the name of the owner of record; or

(iii) The transferee is delivering the written certificate to the office with the transfer-by-law statement; and

(4) Except for a transfer described in paragraph (a)(1)(i) of this section, evidence that notification of the transfer and the intent to file the transfer-by-law statement has been sent to all persons indicated in the files of the office as having an interest, including a security interest, in the vessel.

(c) Unless the office rejects a transfer-by-law statement for a reason stated in 33 CFR 187.308(c) or because the statement does not include documentation satisfactory to the office as to the transferee's ownership interest or right to acquire the ownership interest, not later than 20 days after delivery to the office of the statement and payment of fees and taxes payable under State law in connection with the statement or with the acquisition or use of the vessel, the office must—

(1) Accept the statement;

(2) Amend the files of the office to reflect the transfer; and

(3) If the name of the owner whose ownership interest is being transferred is indicated on the certificate of title—

(i) Cancel the certificate even if the certificate has not been delivered to the office;

(ii) Create a new certificate indicating the transferee as owner;

(iii) Indicate on the new certificate any security interest indicated on the canceled certificate, unless a court order provides otherwise; and

(iv) Deliver the new certificate or a record evidencing an electronic certificate.

(d) This section does not apply to a transfer of an interest in a vessel by a secured party as prescribed by State law related to security interests in goods.

#### **§ 187.321 Application for transfer of ownership or termination of security interest without certificate of title.**

(a) Except as otherwise provided in 33 CFR 187.319 and 187.320, if the office

receives, unaccompanied by a signed certificate of title, an application for a new certificate that includes an indication of a transfer of ownership or a termination statement, the office may create a new certificate under this section only if—

(1) All other requirements under 33 CFR 187.307 and 187.308 are met;

(2) The applicant provides an affidavit stating facts showing that the applicant is entitled to a transfer of ownership or termination statement;

(3) The applicant provides the office with satisfactory evidence that notification of the application has been sent to the owner of record and all persons indicated in the files of the office as having an interest, including a security interest, in the vessel, at least 45 days have passed since the notification was sent, and the office has not received an objection from any of those persons; and

(4) The applicant submits any other information required by the office as evidence of the applicant's ownership or right to terminate the security interest, and the office has no credible information indicating theft, fraud, or an undisclosed or unsatisfied security interest, lien, or other claim to an interest in the vessel.

(b) The office may indicate in a certificate of title created under paragraph (a) of this section that the certificate was created without submission of a signed certificate or termination statement. Unless credible information indicating theft, fraud, or an undisclosed or unsatisfied security interest, lien, or other claim to an interest in the vessel is delivered to the office not later than 1 year after creation of the certificate, on request in a form and manner required by the office, the office must remove the indication from the certificate.

#### **§ 187.322 Replacement certificate of title.**

(a) If a written certificate of title is lost, stolen, mutilated, destroyed, or otherwise becomes unavailable or illegible, the secured party of record or, if no secured party is indicated in the files of the office, the owner of record may apply for and, by furnishing information satisfactory to the office, obtain a replacement certificate in the name of the owner of record.

(b) An applicant for a replacement certificate of title must sign the application, and, except as otherwise permitted by the office, the application must comply with 33 CFR 187.307. The application must include the existing certificate unless the certificate is lost, stolen, mutilated, destroyed, or otherwise unavailable.

(c) A replacement certificate of title created by the office must comply with 33 CFR 187.309 and indicate on the face of the certificate that it is a replacement certificate.

(d) If a person receiving a replacement certificate of title subsequently obtains possession of the original written certificate, the person must promptly destroy the original certificate of title.

**§ 187.323 Rights of purchaser other than secured party.**

(a) A buyer in ordinary course of business has the protections afforded by State law even if an existing certificate of title was not signed and delivered to the buyer or a new certificate listing the buyer as owner of record was not created.

(b) Except as otherwise provided in 33 CFR 187.317 and 187.324, the rights of a purchaser of a vessel who is not a buyer in ordinary course of business or a lien creditor are governed by State law.

**§ 187.324 Rights of secured party.**

(a) Subject to paragraph (b) of this section, the effect of perfection and nonperfection of a security interest and the priority of a perfected or unperfected security interest with respect to the rights of a purchaser or creditor, including a lien creditor, is governed by State law.

(b) If, while a security interest in a vessel is perfected by any method under this subpart, the office creates a certificate of title that does not indicate that the vessel is subject to the security interest or contain a statement that it may be subject to security interests not indicated on the certificate—

(1) A buyer of the vessel, other than a person in the business of selling or

leasing vessels of that kind, takes free of the security interest if the buyer, acting in good faith and without knowledge of the security interest, gives value and receives possession of the vessel; and

(2) The security interest is subordinate to a conflicting security interest in the vessel that is perfected under 33 CFR 187.315 after creation of the certificate and without the conflicting secured party's knowledge of the security interest.

**§ 187.325 Duties and operation of office.**

(a) The office must retain the evidence used to establish the accuracy of the information in its files relating to the current ownership of a vessel and the information on the certificate of title.

(b) The office must retain in its files all information regarding a security interest in a vessel for at least 10 years after the office receives a termination statement regarding the security interest. The information must be accessible by the hull identification number (HIN) for the vessel and any other methods provided by the office.

(c) If a person submits a record to the office, or submits information that is accepted by the office, and requests an acknowledgment of the filing or submission, the office must send to the person an acknowledgment showing the HIN of the vessel to which the record or submission relates, the information in the filed record or submission, and the date and time the record was received or the submission accepted. A request under this section must contain the HIN and be delivered by means authorized by the office.

(d) The office must send or otherwise make available in a record the following information to any person that requests it and pays the applicable fee:

(1) Whether the files of the office indicate, as of a date and time specified by the office, but not a date earlier than 3 days before the office received the request, any certificate of title, security interest, termination statement, or title brand that relates to a vessel—

(i) Identified by a HIN designated in the request;

(ii) Identified by a vessel number designated in the request; or

(iii) Owned by a person designated in the request.

(2) With respect to the vessel—

(i) The name and address of any owner as indicated in the files of the office or on the certificate of title;

(ii) The name and address of any secured party as indicated in the files of the office or on the certificate, and the effective date of the information; and

(iii) A copy of any termination statement indicated in the files of the office and the effective date of the termination statement.

(3) With respect to the vessel, a copy of any certificate of origin, secured party transfer statement, transfer-by-law statement under 33 CFR 187.320, and other evidence of previous or current transfers of ownership.

(e) In responding to a request under this section, the office may provide the requested information in any medium. On request, the office must send the requested information in a record that is in keeping with State rules of evidence.

Dated: September 10, 2021.

**J.W. Mauger,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.*

[FR Doc. 2021–20095 Filed 9–21–21; 8:45 am]

**BILLING CODE 9110–04–P**



# FEDERAL REGISTER

---

Vol. 86

Wednesday,

No. 181

September 22, 2021

---

## Part IV

### The President

---

Presidential Determination No. 2022-13 of September 15, 2021—  
Presidential Determination on Major Drug Transit or Major Illicit Drug  
Producing Countries for Fiscal Year 2022





# Presidential Documents

Title 3—

Presidential Determination No. 2021–13 of September 15, 2021

The President

## Presidential Determination on Major Drug Transit or Major Illicit Drug Producing Countries for Fiscal Year 2022

### Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States, including section 706(1) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) (FRAA), I hereby identify the following countries as major drug transit or major illicit drug producing countries: Afghanistan, The Bahamas, Belize, Bolivia, Burma, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, India, Jamaica, Laos, Mexico, Nicaragua, Pakistan, Panama, Peru, and Venezuela.

A country's presence on the foregoing list is neither a reflection of its government's counterdrug efforts nor level of cooperation with the United States. Consistent with the statutory definition of a major drug transit or major illicit drug producing country set forth in section 481(e)(2) and (5) of the Foreign Assistance Act of 1961, as amended (Public Law 87–195) (FAA), the reason countries are placed on the list is the combination of geographic, commercial, and economic factors that allow drugs to be transited or produced, even if a government has engaged in robust and diligent narcotics control and law enforcement measures.

Pursuant to section 706(2)(A) of the FRAA, I hereby designate Bolivia and Venezuela as having failed demonstrably to make substantial efforts during the previous 12 months to both adhere to their obligations under international counternarcotics agreements and to take the measures required by section 489(a)(1) of the FAA. Included with this determination are justifications for the designations of Bolivia and Venezuela, as required by section 706(2)(B) of the FRAA. I have also determined, in accordance with provisions of section 706(3)(A) of the FRAA, that United States programs that support Bolivia and Venezuela are vital to the national interests of the United States.

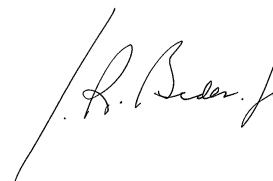
The ongoing drug addiction and overdose epidemic in the United States is one of the foremost public health priorities of my Administration, and addressing this epidemic will require both new domestic investments and greater cooperation with foreign partners to target illicit drug suppliers and the criminal organizations that profit from them. While creating our first-year drug policy priorities, my Administration outlined a strategy that includes expanding access to prevention, treatment, evidence-based harm reduction, and recovery support services in order to curb the drug addiction and overdose epidemic. The American Rescue Plan Act of 2021 is an investment in these priorities, committing nearly \$4 billion to support behavioral health and substance use disorder programs.

My Administration's Fiscal Year 2022 Budget request itemizes \$10.7 billion to support research, prevention, treatment, evidence-based harm reduction, and recovery support services, with targeted investments to meet the needs of populations at greatest risk for overdose and substance use disorder. The Budget request also includes significant investments to reduce the supply of illicit drugs originating from beyond our borders.

The United States is committed to working together with the countries of the Western Hemisphere as neighbors and partners to meet our shared challenges of drug trafficking and use. My Administration will seek to expand

cooperation with key partners, such as Mexico and Colombia, to shape a collective and comprehensive response and expand efforts to address the production and trafficking of dangerous synthetic drugs that are responsible for many of our overdose deaths, particularly fentanyl, fentanyl analogues, and methamphetamine. In Mexico, we must continue to work together to intensify efforts to dismantle transnational criminal organizations and their networks, increase prosecutions of criminal leaders and facilitators, and strengthen efforts to seize illicit assets. In Bolivia, I encourage the government to take additional steps to safeguard the country's licit coca markets from criminal exploitation and reduce illicit coca cultivation that continues to exceed legal limits under Bolivia's domestic laws for medicinal and traditional use. In addition, the United States will look to expand cooperation with China, India, and other chemical source countries in order to disrupt the global flow of synthetic drugs and their precursor chemicals.

You are authorized and directed to submit this designation, with the Bolivia and Venezuela memoranda of justification, under section 706 of the FRAA, to the Congress, and to publish this determination in the *Federal Register*.

A handwritten signature in black ink, appearing to read "J. Biden", with a long, sweeping horizontal line extending to the left.

THE WHITE HOUSE,  
*Washington, September 15, 2021*

# Reader Aids

## Federal Register

Vol. 86, No. 181

Wednesday, September 22, 2021

### CUSTOMER SERVICE AND INFORMATION

#### Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202-741-6000****Laws** **741-6000**

#### Presidential Documents

Executive orders and proclamations **741-6000****The United States Government Manual** **741-6000**

#### Other Services

Electronic and on-line services (voice) **741-6020**Privacy Act Compilation **741-6050**

### ELECTRONIC RESEARCH

#### World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: [www.govinfo.gov](http://www.govinfo.gov).Federal Register information and research tools, including Public Inspection List and electronic text are located at: [www.federalregister.gov](http://www.federalregister.gov).

#### E-mail

**FEDREGTOC** (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.To join or leave, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your email address, then follow the instructions to join, leave, or manage your subscription.**PENS** (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html> and select *Join or leave the list (or change settings)*; then follow the instructions.**FEDREGTOC** and **PENS** are mailing lists only. We cannot respond to specific inquiries.**Reference questions.** Send questions and comments about the Federal Register system to: [fedreg.info@nara.gov](mailto:fedreg.info@nara.gov)

The Federal Register staff cannot interpret specific documents or regulations.

### FEDERAL REGISTER PAGES AND DATE, SEPTEMBER

48885-49228	1
49229-49460	2
49461-49902	3
49903-50212	7
50213-50432	8
50433-50602	9
50603-50836	10
50837-50980	13
50981-51256	14
51257-51576	15
51577-51780	16
51781-52070	17
52071-52384	20
52385-52586	21
52587-52820	22

### CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

#### 3 CFR

##### Proclamations:

10241	48885
10242	49887
10243	49891
10244	49893
10245	49895
10246	49897
10247	49899
10248	49901
10249	50433
10250	50437
10251	50981
10252	50983
10253	51257
10254	51261
10255	51263
10256	51577
10257	52067
10258	52385
10259	52387
10260	52587
10261	52589

##### Executive Orders:

13935 (revoked by 14045)	51581
14007 (amended by 14044)	51579
14040	50439
14041	50443
14042	50985
14043	50989
14044	51579
14045	51581
14046	52389
14047	52591

##### Administrative Orders:

Memorandums:	
Memorandum of August 27, 2001	49459
Memorandum of September 7, 2021	50991
Notices:	
Notice of September 7, 2021	50601
Notice of September 9, 2021	50835
Notice of September 15, 2021	52069
Presidential Determinations:	
No. 2021-12 of September 7, 2021	50831
No. 2021-13 of September 15, 2021	52818

#### 5 CFR

315	52395
890	49461

#### Proposed Rules:

890	51730
-----	-------

#### 6 CFR

5	50603
---	-------

#### Proposed Rules:

5	49490
37	51625

#### 7 CFR

275	49229
800	49466
945	50837
1146	48887
1147	48887
1205	52397
1735	50604
1737	50604

#### Proposed Rules:

946	49930
1150	52420
1207	51626

#### 8 CFR

208	51781
212	50839

#### 9 CFR

##### Proposed Rules:

Ch. III	49491
---------	-------

#### 10 CFR

52	52593
431	51230

#### Proposed Rules:

52	52619
429	49140
430	49140, 49261, 51629, 52422
431	49140, 49266
707	49932

#### 12 CFR

204	50213
612	50956
1070	48900

#### Proposed Rules:

25	52026
195	52026
615	49496
1006	48918

#### 13 CFR

121	50214
123	50214
134	51589

#### 14 CFR

39	48902, 49470, 49903, 49904, 49907, 49909, 49912, 49915, 50219, 50222, 50224, 50226, 50230, 50232, 50235,
----	--

50237, 50239, 50242, 50449, 50451, 50610, 51265, 51268, 51597, 51600, 51604, 51788, 51792, 52599, 52600	71
48905, 49917, 49918, 49919, 50244, 50245, 50247, 50248, 50250, 50453, 50614, 50842, 50843, 51607, 52603, 52604, 52605, 52606, 52608	95
50615	97
50844, 50846	1204
50624	
<b>Proposed Rules:</b>	
48919, 49937, 50289, 50291, 50484, 50485, 50487, 51022, 51026, 51029, 51033, 51035, 51038, 51042, 51279, 51636, 51835, 51838, 51840, 51842, 52106, 52109, 52111	71
48921, 49939, 50493, 50686, 50862, 51844, 52622, 52623	93
52114	
<b>15 CFR</b>	
4	49920
950	52399
1500	51456
<b>16 CFR</b>	
640	51795
641	51817
642	50848
660	51819
680	51609
698	50848, 51795
<b>Proposed Rules:</b>	
1634	51639
1700	51640
<b>18 CFR</b>	
1304	50625
<b>Proposed Rules:</b>	
154	51844
<b>19 CFR</b>	
Ch. I	52609, 52611
351	52300
<b>Proposed Rules:</b>	
111	50794
<b>21 CFR</b>	
10	52401
20	52401
25	52401
73	49230
500	52401
510	52401
610	49922
1141	50854
1301	51821
<b>Proposed Rules:</b>	
73	50495
172	50496
1308	49267
<b>22 CFR</b>	
62	50993
<b>Proposed Rules:</b>	
40	51643

41	51643
42	51643
<b>25 CFR</b>	
1187	50251
<b>26 CFR</b>	
1	52612
31	50637
301	49923
<b>Proposed Rules:</b>	
1	50295
31	50687
53	50295
54	50295, 51730
301	50295, 51488
<b>28 CFR</b>	
2	51271, 51272, 51611
<b>29 CFR</b>	
791	52412
1402	50855
1977	49472
4044	51273
<b>Proposed Rules:</b>	
2520	51284, 51488
2590	51730
4065	51488
<b>30 CFR</b>	
<b>Proposed Rules:</b>	
56	50496
57	50496
77	50496
<b>32 CFR</b>	
310	52071
<b>33 CFR</b>	
100	49234, 49236, 49476, 50856, 50994, 51822, 51823
165	48906, 49239, 49241, 49244, 49924, 50260, 50454, 50996, 50998, 51612, 52413
<b>Proposed Rules:</b>	
100	49941, 49943, 51645
117	48923
165	51845
187	52792
<b>34 CFR</b>	
600	49478
<b>37 CFR</b>	
<b>Proposed Rules:</b>	
223	49273
<b>38 CFR</b>	
3	51000
8a	51274
17	50856, 52072
36	51274
38	52076
71	52614
<b>Proposed Rules:</b>	
3	50513
<b>40 CFR</b>	
9	49246, 51616, 51620

52	48908, 49246, 49248, 49249, 49252, 49480, 49925, 50456, 50459, 50643, 50645, 52413
62	49482
87	52416
174	51001
180	52077, 52082, 52083, 52416
261	50647
281	50470, 51004
282	49253, 50470, 51004
300	50477, 51010
721	49246, 51616, 51620
751	51823
1030	52416
<b>Proposed Rules:</b>	
52	49100, 49278, 49497, 49500, 51310, 51315, 51318, 51848
59	51851
60	50296
62	49501
63	50296
81	49100, 51318
174	52624
180	52624
281	50522, 51044
282	49283, 50522, 51044
300	50515, 51045
<b>41 CFR</b>	
<b>Proposed Rules:</b>	
300-3	50863
301-10	50863
301-51	50863
302-16	50863
<b>42 CFR</b>	
402	50263
403	50263
411	50263
412	50263
422	50263
423	50263
460	50263
483	50263
488	50263
493	50263
<b>Proposed Rules:</b>	
405	51326
<b>43 CFR</b>	
2	49927
<b>Proposed Rules:</b>	
2	51645
<b>44 CFR</b>	
77	50653, 51832
78	50653, 51832
79	50653, 51832
80	50653, 51832
201	50653, 51832
206	50653, 51832
<b>45 CFR</b>	
<b>Proposed Rules:</b>	
144	51730
148	51730
149	51730

150	51730
<b>46 CFR</b>	
501	50679
<b>Proposed Rules:</b>	
11	48925
401	51047
404	51047
525	52627
<b>47 CFR</b>	
1	52742
2	52088
5	52101
25	49484, 52102
79	51013
95	52088
97	52101
<b>Proposed Rules:</b>	
1	51335, 51857, 52429
2	51335
8	52120
25	48942
27	51335
52	51081
64	48952, 52120
73	48942
76	48942, 52120
<b>48 CFR</b>	
570	48915
<b>Proposed Rules:</b>	
501	50689
502	50689
511	50689
539	50689
552	50689
570	50689
<b>49 CFR</b>	
<b>Proposed Rules:</b>	
531	49602, 51092
533	49602, 51092
536	49602, 51092
537	49602, 51092
<b>50 CFR</b>	
17	50264
229	51970
300	48916
622	50287, 50861, 51014, 51276, 52103, 52104
635	51016
648	49929, 51277, 52104
660	51017
679	48917, 49259, 49260, 51833, 52419
697	51970
<b>Proposed Rules:</b>	
17	48953, 49945, 49985, 49989, 51857
22	51094
217	50304
648	48968, 50320, 50866
660	48969
697	49284

---

**LIST OF PUBLIC LAWS**

---

**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

**Last List September 2, 2021**

---

**Public Laws Electronic Notification Service (PENS)**

---

**PENS** is a free email notification service of newly enacted public laws. To subscribe, go to <https://>

[listserv.gsa.gov/cgi-bin/wa.exe?SUBED1=PUBLAWS-L&A=1](https://listserv.gsa.gov/cgi-bin/wa.exe?SUBED1=PUBLAWS-L&A=1)

**Note:** This service is strictly for email notification of new laws. The text of laws is not available through this service.

**PENS** cannot respond to specific inquiries sent to this address.